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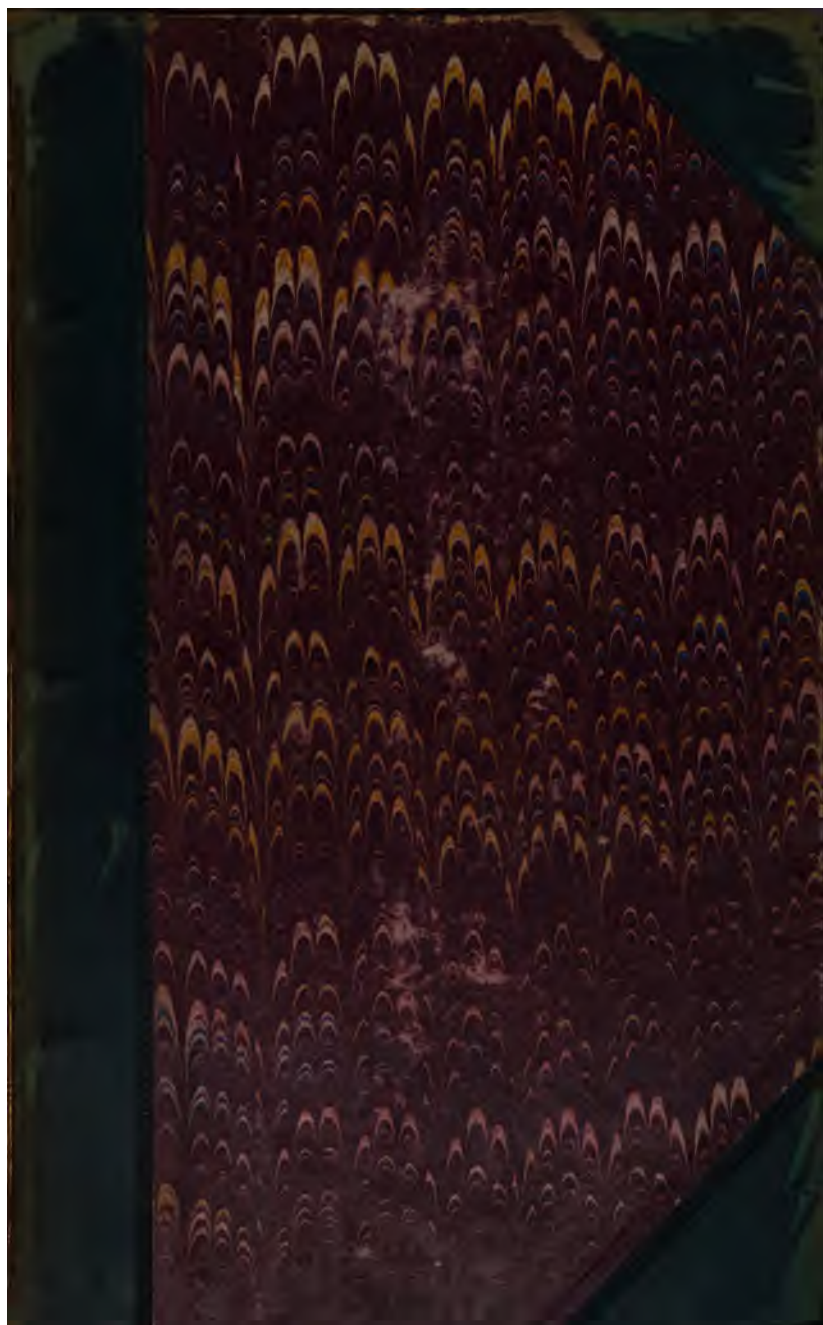
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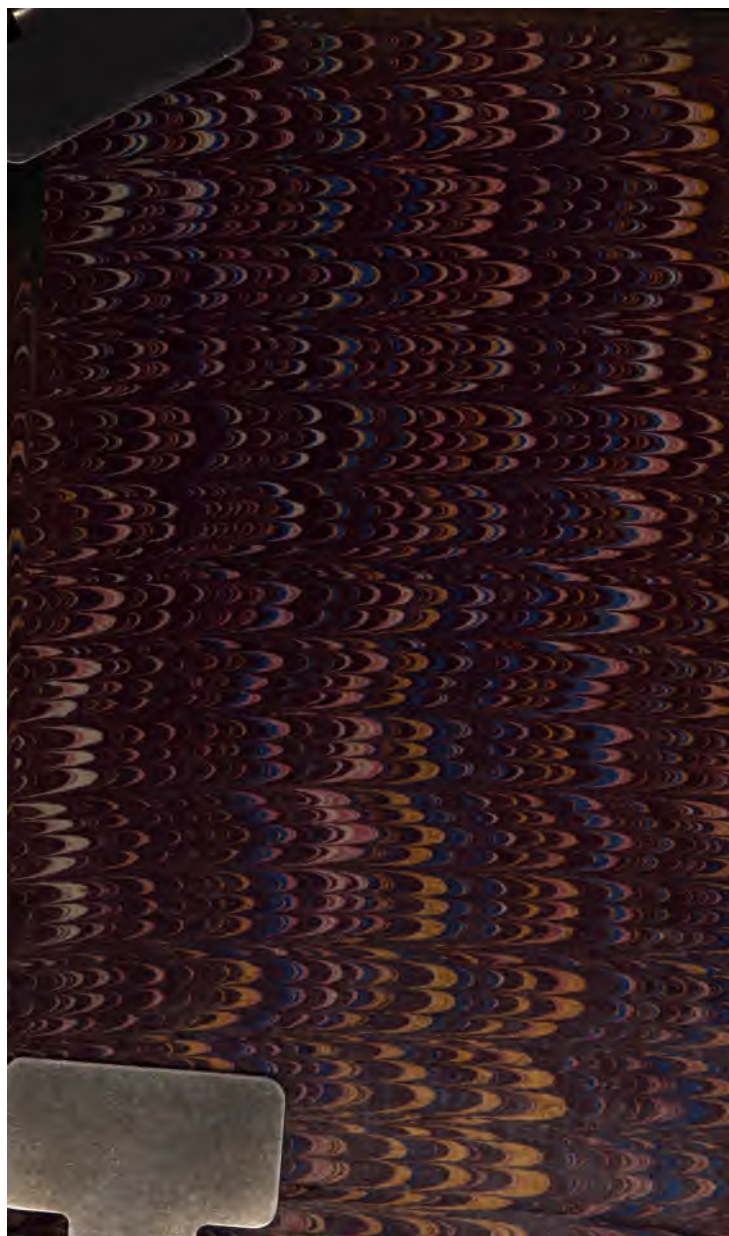
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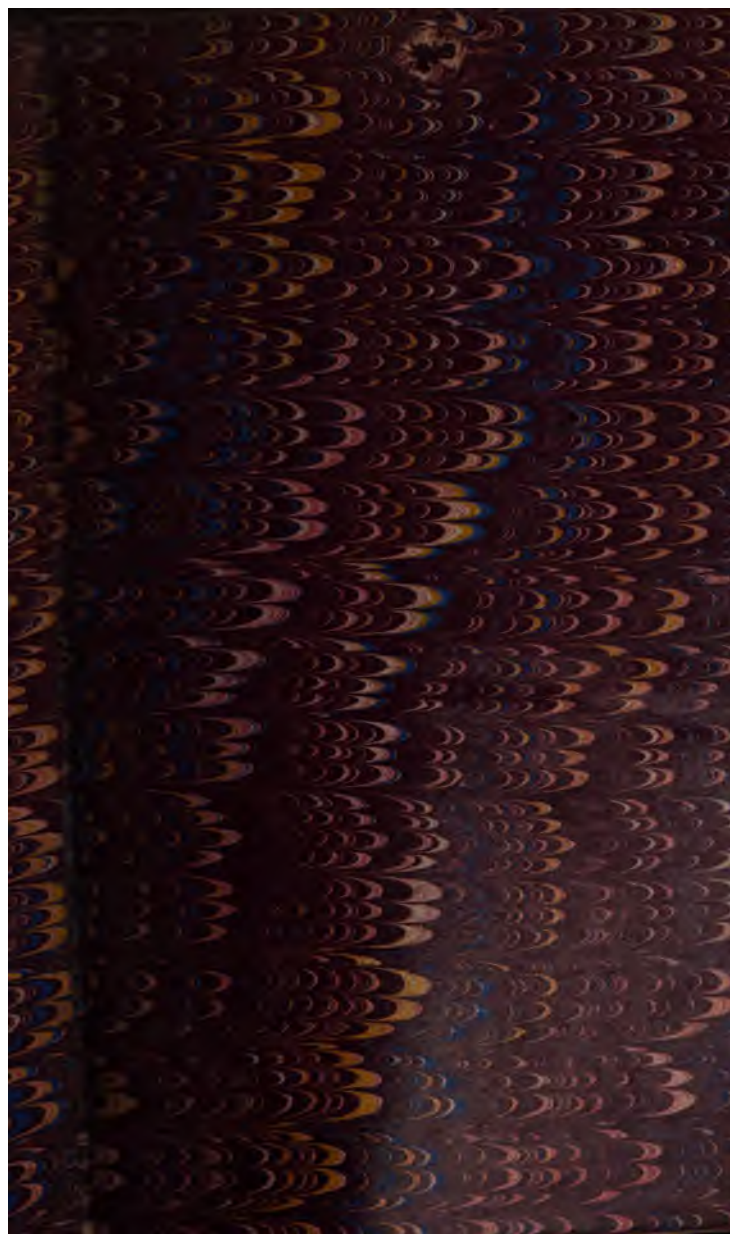
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A
History of England,

JOHN B. INGARD, D.D.

VOLUME IX.



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A
-HISTORY OF ENGLAND,

FROM THE FIRST
INVASION BY THE ROMANS
TO THE COMMENCEMENT OF
THE REIGN OF WILLIAM THE THIRD.

By JOHN LINGARD, D.D.

A NEW EDITION,
CORRECTED AND CONSIDERABLY ENLARGED,
IN THIRTEEN VOLUMES.

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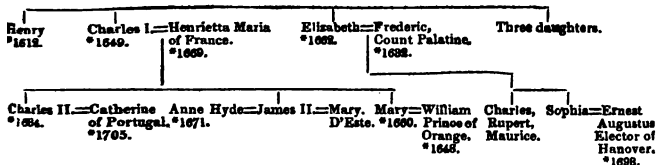
LINGARD'S HISTORY OF ENGLAND.

CHAPTER I

JAMES I.

GENEALOGICAL TABLE.

James I. = Anne of Denmark.
*1603. *1619.



CONTEMPORARY PRINCES.

<i>Emperors.</i>	<i>Kings of France.</i>	<i>Kings of Spain.</i>	<i>Popes.</i>
Rodolph.. 1619.	Henry IV... 1610.	Philip III. .1621.	Clement VIII. 1605.
Matthias . 1619.	Louis XIII.	Philip IV.	Leo XI.....1605.
Ferdinand II.			Paul V.1621.
			Gregory XV..1624.
			Urban VIII.

Arrival of James in England—Embassies from Foreign Courts—Conspiracy—Conference at Hampton Court—Proceedings in Parliament—In Convocation—Severities against the Catholics—Origin and Progress of the Gunpowder Plot—Its failure and the fate of the Conspirators—Trial and Execution of Garnet—Meeting of Parliament—New Penal Laws—Controversy respecting the Oath of Allegiance.

THE narrow and selfish policy of the late queen had left the succession to the crown in suspense and uncertainty

VOL. IX.

B

James VI. of Scotland was by descent the next heir: but the exclusion of the Scottish line in the will of Henry VIII. had thrown some doubt on his right; and it was generally believed that his pretensions would meet with opposition from the fears of the noblemen whose hands had been stained with the blood of his unfortunate mother; from the jealousy of the churchmen, who must fear the accession of a prince educated in the principles of Calvin; and from the intrigues of the catholics, whose interest it was to seek relief from the penal laws by supporting a catholic successor. For years the public mind had been agitated with predictions of the fearful consequences to be apprehended on the death of Elizabeth; predictions which the event proved to have been no better than the dreams of timid or designing politicians. Not a voice was raised in favour of any other claimant. The supposed enemies of James had long ago made their peace with their future sovereign; the clergy gave credit to his assurances that he loathed a form of religion which led to the depression, if not the extinction, of the royal authority*; and the catholics, flattered by the reports of their agents, hailed with joy the succession of a prince who was said to have promised the toleration of their worship, in return for the attachment which they had so often displayed for the house of Stuart.

1603. By the address of Cecil the accession of the Scottish
Mar. king was proclaimed, before the death of the late queen
24. had become publicly known. At his invitation thirty-five individuals, councillors, prelates, peers, and officers of state, met him at Whitehall, and, with the name of the lord mayor at the head, subscribed a declaration that James of Scotland was the lawful and undoubted heir to the English crown. Not a moment was lost.

* It was probably to encourage this belief that his work entitled *Basili-con Doron*, which he had completed in 1599, was now printed. It was so universally read that it went through three editions in the course of the year 1603.

The whole body assembled in front of the palace, and proceeded thence to the Cross in Cheapside: at both places the king of Scots was proclaimed by the voice of Cecil himself; and the citizens, by their acclamations, bonfires, and the ringing of bells, testified their satisfaction at the accession of the new monarch*.

James, who was in his thirty-seventh year, received the intelligence with transports of joy. He had long been weary of a throne on which his darling propensities were continually checked by the want of money, and his high notions of the royal dignity were combated by the levelling principles of the clergy, and the factious spirit of the nobles. He lost not a moment to take pos- April session of his new inheritance: visions of wealth and 5. power and enjoyment floated before his imagination; and his expectations were confirmed during his progress by the cheers of the multitudes who assembled to greet their sovereign, and by the sumptuous entertainments which he received in the houses of the nobility and gentry. To his Scottish followers he remarked with exultation, that they had at last arrived in the Land of Promise.

But, as he proceeded, the enthusiasm of the English began to cool. The gait of the new monarch was ungraceful, his countenance repulsive. A tongue, apparently too bulky for the mouth which contained it, eyes that rolled their large and vacant orbs on the surrounding objects, and a scanty beard scarcely indicative of manhood, were not calculated to inspire awe, nor to beget affection; and the king's unwillingness to be seen 21 by the crowds that came to meet him, the haste with which he ordered an offender to be executed without trial or defence, and the partiality which he betrayed on all occasions for his own countrymen, provoked from some expressions of dislike, and awakened in others the fear of a despotic and unpopular reign†.

* Strype, iv. 370. Rym. xvi. 493, 4.

† See Somers, ii. 147. Stowe, 821.

In many his marked antipathy to his predecessor excited the most painful emotions. So keenly did he feel the injuries which she had inflicted on his mother and himself, that he could not bear the mention of her name without showing signs of uneasiness and displeasure*. Of her talents he affected to speak with disparagement, of her morals with reproach. It might have been expected that he should honour her funeral with his presence: but he was spared this mortification by an order of the council, that the body of the late queen should be interred before the arrival of her successor. The absence of the king was, however, supplied by the voluntary attendance of fifteen hundred persons in deep mourning, who, in testimony of their respect for the memory of Elizabeth, followed her remains to Westminster Abbey, where they were deposited in the chapel of Henry VII †.

April
28.

From Edinburgh James had invited the earl of Southampton, still a prisoner in the Tower, to meet his friend and sovereign at York. This act of kindness to the associate of Essex alarmed all those who had been instrumental in the death of that nobleman. They were now divided into two factions, mortal enemies to each other; the secretary, with his colleagues of the council, and the earl of Northumberland with lord Grey, lord Cobham, and sir Walter Raleigh. All hastened to meet the new monarch, that they might remind him of their past, and tender to him their future services. But James had already made his election. If the secretary had more deeply offended, he was yet the more likely to prove useful. Him he confirmed in office; a share of the royal favour was also promised to Northumberland; but Cobham and Grey were left to complain of ingratitude

* When the French ambassador ordered his suite to dress in mourning for Elizabeth, it was considered by James as an insult, and he was compelled to revoke the order. *Sully's Memoirs*, l. xiv. xv.

† James, however, had previously declared to the council that he would attend, if they deemed it proper for the honour of the queen. *Ellis, Original Letters*, &c. iii. 66.

and neglect; and Raleigh lost not only the honourable post of captain of the guard, but the more valuable office of warden of the stanneries*.

James had accepted the invitation of Cecil to spend a few days at his house of Theobalds, where he was entertained with extraordinary magnificence. Of late years, May 1. under Elizabeth, the secretary had guided without control the councils of the nation: but to retain the same pre-eminence under the new monarch was a matter of doubt and difficulty. He had to study the tastes of the sovereign, and to win the friendship of his foreign favourites. He spent his time, as he informs us, "in trouble, hurrying, feigning, suing, and such like matters, knowing not where the winds and waves of the court might bear him." A new council was formed, into which, by his advice, or at least with his approbation, six Scotsmen were admitted, the duke of Lenox, the earl of Marr, the lord Hume, sir George Hume, Bruce of Kinloss, and secretary Elphinstone: but, at the same time, to balance the account between the nations, six English noblemen, the earls of Northumberland and Cumberland, the lords Henry and Thomas Howard, and the barons Zouch and Burrough, received the same honour†.

As the king entered London, proclamation was made 7. to suspend all grants of licenses and monopolies, till they had been examined by the council; to revoke all royal protections for the purpose of delay in the courts of law; and to prohibit the abuses of purveyors, of the makers of saltpetre, and of the officers of the household. Honours were afterwards bestowed with a most lavish hand. The earl of Southampton and the young earl of 13. Essex recovered their titles and estates; Mountjoy and three of the Howards were raised to the rank of earl;

* He still retained the government of Jersey, and, as some compensation, obtained a remission of the rent of 300*l.* per annum, which he had contracted to pay out of the income. Ellis, *Original Letters*, iii. 82.

† *Nugæ Ant.* i. 343. See Stowe for the king's progress from Edinburgh to Theobalds, 816—822.

nine new barons were created, among whom was Cecil the secretary ; and in the course of three months the honour of knighthood was conferred on seven hundred individuals. This profusion provoked murmurs ; and a pasquinade was seen fixed on the door of St. Paul's, offering to teach weak memories the art of recollecting the titles of the new nobility *.

- The accession of the Scottish prince was calculated to produce an important change in the political relations of England. He felt nothing of that animosity against the king of Spain which had so long festered in the breast of his predecessor ; nor did he know how to reconcile with his high notions of the royal authority the wisdom of lending aid to men in arms against their legitimate sovereign. Aware of his disposition, the states of Holland sent to him a splendid and honourable embassy, at the head of which was Frederic prince of Nassau, aided by the sagacity and experience of three able statesmen, Valek, Barnevelt, and Brederode. But James stood on his guard against their entreaties and flattery ; he invented pretexts to elude every demand of an audience ; and over his cups he hesitated not to brand the deputies and their masters with the ignominious designation of traitors. On the other hand, the conduct of the archduke gave him the highest pleasure. That prince, in compliment to the king, discharged all his English prisoners, as the subjects of a friendly monarch ; and then solicited and obtained permission to send an ambassador to the English court. For this office he chose one of the first noblemen in his dominions, the count of Aremberg. Aremberg, however, came, not to negotiate, but to protract the time, till instructions could be obtained from Spain ; he employed the interval in studying the temper of the court, and in purchasing by presents an interest in the council.
8. Two days after Aremberg landed a rival statesman,

* Stowa, 824-827. See a catalogue of the monopolies in Lodge, iii. 159-162.

the celebrated Rhosny, better known as duke of Sully*. The king of France had hitherto aided the Hollanders in conjunction with the queen of England; the succession of the new monarch taught him to fear that the whole burthen must devolve upon himself, or the Spanish king would recover the dominion of the revolted provinces. Under this impression Rhosny was despatched to oppose the intrigues of AreMBERG: by the distribution of presents to the amount of sixty thousand crowns, he secured the favour of the queen and of the courtiers; and the elegance of his manners, the delicacy of his flattery, and his insinuating eloquence, soon gave him a temporary ascendancy over the mind of James. He taught the king to mistrust the fidelity of his own counsellors. Cecil was openly charged with duplicity; and the royal signature was subscribed to a treaty drawn up by the Frenchman. It bound the kings of England and France to aid the states with men and money, but clandestinely, and without any manifest breach of amity with Spain; and, if Philip should resent such practices, then to join in open hostilities against that monarch. The ambassador departed exulting in the success of his mission; it soon appeared that his influence depended on his presence. The treaty was indeed ratified; but it bound the king to little which could divert him from the pursuit of his great object, peace with all the nations of Christendom †.

While the French court negotiated in England, the Spanish cabinet, with its characteristic slowness, consumed the time at home in endless consultations. To solicit a peace from the new king appeared to Philip

* Rhosny embarked with his suite on board of two vessels offered by the English vice-admiral; and on his passage he was met by the French vice-admiral bearing his flag on his main-top-gallant-mast. The English immediately poured a broadside into the French ship, and would have repeated it, had not the flag been taken down at the instance of the ambassador. The bearing of the flag was the cause of offence. Sully's Memoirs, l. xiv.

† Sully's Memoirs, l. xiv. xv. xvi. Some of the presents were continued annually as pensions. Id. l. xvi. Lodge, iii. 166.



equivalent to a confession of weakness ; to continue the war was to remove every probability of reducing his revolted subjects. During this struggle between pride and interest, two Englishmen arrived at Madrid, the envoys of that expiring faction which has been called the Spanish party among the English catholics. In the preceding year Thomas Winter, as its representative, had arranged with the ministers of Philip a plan for the invasion of England. The death of Elizabeth disconcerted the project. The catholics almost unanimously supported the right of James ; and Garnet had thought it prudent to burn the breves in favour of a catholic successor. Still a few discontented individuals remained ; and Wright was despatched from England, Faukes from Flanders, to discover the real disposition of the Spanish council. The duke of Lerma thanked them for their offers, and assured them of the gratitude of his sovereign ; but added that Philip had no cause of hostility against James ; he looked on the king as his friend and ally ; and had appointed the Conde de Villa Mediana his ambassador to the English court*.

At this moment, when the enmity between the two crowns seemed on the point of expiring, it was in some measure revived by the detection of a dark and unintelligible conspiracy in England. The earl of Northumberland was sensible that he held the royal favour by a very precarious tenure, as long as his adversary Cecil possessed the first place in the cabinet, and his associates Cobham and Raleigh, disgraced by the king, shunned by the courtiers, gradually abandoned themselves to the suggestions of revenge and despair. At first all three attempted to intrigue with the French council. They transmitted their offers through La Fontaine, and applied personally to Beaumont, the resident,

* See statute 3 James I. c. 2. Gunpowder Treason, 92—94. 162. The substance of this charge is acknowledged by Garnet and his advocates, though they object to many particulars. Gunpowder treason, 186, 187. Eudæmon Joannes, 295. 306—310.

and Rhosny, the extraordinary ambassador. But no countenance was given to the overture: Henry wisely preferred the docility with which James listened to his envoys, before the wild and impracticable schemes of three discontented courtiers. Here Northumberland had the prudence to desist. The other two persevered in their dangerous course, and Cobham personally, Raleigh through Cobham, made proposals to Aremberg, the ambassador of the archduke, who, ignorant of the sentiments of the king of Spain, consulted the court of Brussels, and was ordered to encourage the correspondence. That they asked for money in return for their future services, can hardly be doubted: but what those services were to be, is uncertain, perhaps was never determined. The character of Raleigh forbids us to attribute to him any other object than the overthrow of his political enemies by the support of the Spanish interest against that of France: but Aremberg may have had other more important results in view, the establishment of a party in favour of the claim of the Infanta, or, as was pretended, of Arabella Stuart under the protection of Spain*.

This, in the language of the initiated, was termed "the main:" "the bye," or "the surprising treason," a subordinate and equally mysterious plot, was under the direction of sir Griffin Markham and of George Brooke, who, being the brother of lord Cobham, was the connecting link between the two. Discontent made them conspirators, and the successful attempt of the Scottish lords on a former occasion suggested to them the forcible seizure of the royal person. With the king in their possession, they would be able to remodel the

* Raleigh's trial furnishes sufficient proof of the secret dealing with Aremberg. There is, according to Carte, still stronger proof in the despatches of Beaumont, who, on October 20th and December 6th, informed the king of France that he was fully convinced of the guilt of Cobham and Raleigh, both of his own knowledge, and from the two intercepted letters of the ambassador, which he had perused; and that the object of the conspiracy was to support the claim of the Spanish Infanta. Carte, iii. 718, 721.

government, to wreak their vengeance on their enemies Cecil and sir George Home, and to secure to themselves and their friends the principal offices in the state. It was not, however, pretended, that with the conduct of this plot Cobham and Raleigh had any concern. They were satisfied to know of its existence, and to cherish a hope that, "if one sped not, the other might*."

But how were Markham and Brooke, men without money or influence, to accomplish their purpose? They sought for co-operators among the puritans and the catholics; who, though enemies to each other, were equally dissatisfied with the penal code which oppressed them, and might easily be led to approve of an enterprise, which had for its object religious toleration.

Among the catholics they connected themselves with the missionary Watson, who, during the late reign, had been distinguished by his opposition to the Spanish party. To James he had rendered the most important services, but in return had been treated by the monarch with neglect and ingratitude†. Whether he really sought to further the object of the conspirators, or to make their efforts subservient to his own plans, may perhaps be doubted: but he called together his confidential friends, and began with administering an oath which bound them to watch over the safety of the king, to pro-

* Cecil's letter to Parry apud Caley, *Life of Raleigh*, ii. 8. In it he expressly attributes the conspiracy to Markham and Brooke: and adds, as was afterwards inserted in the indictment from the confession of Watson, that it was intended to make Watson lord chancellor, Brooke lord treasurer, Markham secretary, and Grey earl marshal. But is it possible to believe that such a distribution of offices could be seriously contemplated? The absurdity of the thing is its own refutation.

† Watson had written in favour of James against the pretensions of the Infanta; and before the death of Elizabeth he repaired to Scotland, where he received the most cheering welcome from the king. On his return he laboured among his catholic brethren to support the succession of the Scottish monarch: but finding afterwards that James granted no toleration, and even exacted the fine of 20*l.* per lunar month from recusants, he waited on the king, and reminded him in vain of his former promises. On his leaving the royal presence, James observed to one of his attendants, "that since protestants had so generally received and proclaimed him king, he had now no need of papists." This was the origin of Watson's discontent. See Copley's voluntary declaration of the 14th of July, in the state paper office.

cure the advancement of their religion, and to keep their association a secret both from the knowledge of the government, and of their adversaries of the Spanish faction. He next proposed a resolution that they should assemble in a numerous body, should throw themselves on their knees before the king, as he went out to hunt, and representing the services which they had done at his accession, should beg in return the toleration of their religion. More than this was not divulged openly: to a few he disclosed his mind without reserve. The puritans, he told them, had formed a plan to obtain possession of the royal person. It was therefore his plan, that they should meet in the neighbourhood under the pretence of presenting a petition; should improve the opportunity to liberate the sovereign from his captors, should conduct him to a place of security, and there solicit from him liberty of conscience. James could never refuse so small a boon to the liberators of his person*.

Among the puritans they applied to lord Grey, a young nobleman of enthusiastic zeal and determined courage. He thought his merit overlooked by the king: his enemy, Southampton, was established in the royal favour; and his brethren in religion loudly complained of penalties and disabilities. On these accounts he entered with cheerfulness into the plot, and promised to bring to the "surprise" one hundred men on horseback.

The conspirators had originally intended to effect their purpose at Greenwich during the darkness of the night: but when it was considered that three hundred armed gentlemen lay within the palace, they preferred

* See the same, and sir Edward Parham's examination of September 1, and that of Bartholomew Brookesby, of September 14th, in the same office. Also their speeches at their trials. Copley pretends that to his confidants Watson occasionally betrayed more criminal designs: but too much credit ought not to be given to the man who accuses another that he may be spared himself. I shall add the extract from his confession in Appendix, note (A).

to make the attempt at Hanworth, where James, in his hunting parties, was accustomed to call for refreshment at the house of a private gentleman. But when the appointed day, the 24th of June, approached, the lord Grey, to the surprise of his associates, proposed to defer the enterprise for some months. He was in reality jealous of the reported number of the catholics, and **June** hoped to strengthen his own party in the interval, under
24. the pretext of collecting forces for the service of the states. Within a day or two Watson and his friends arrived. They were, however, few and without followers: the leaders saw that their force was unequal to their object; much altercation ensued; and the design was at last abandoned as impracticable*.

A few days before this meeting, Watson had communicated a general outline of the conspiracy to a jesuit of the name of Gerard. His object was to obtain the co-operation of the society: but they refused their aid, and the archpriest, by their advice, revealed the secret to Cecil†. That minister had resolved to pretend ignorance, and to allow the conspirators to proceed without molestation, till the day fixed for the attempt: but the abandonment of the design, the result of the
July last meeting, compelled him to adopt a new plan. By
7. his order, Copley and his associates were successively arrested: and from that moment their chief effort seems to have been to furnish by their confessions evidence against each other.

It may be that Cecil had other secret information: he asserts that the mere fact of Brooke being among the conspirators, led him to suspect Cobham, and Cobham's friends Northumberland and Raleigh. The earl was already in custody on another account; but nothing appearing to criminate him, he was shortly set at liberty. Raleigh also by his answers satisfied the council, and was accordingly dismissed. But his dismissal did not

* Copley's confession *ibid.*

† See Dr. Albot, *Antilogia*, 130. 136.

lull his misgivings; and to eschew the danger which he foresaw, he wrote to Cecil that he had reason to suspect Cobham of secret dealings with Aremberg, and therefore advised the apprehension and examination of la^e Rensie the agent of Aremberg*. A few days later both Cobham and La Rensie were committed to the Tower. Raleigh's apprehensions revived: as he had betrayed Cobham, it was also possible that Cobham might betray him. Under this impression he sent to the latter a hypocritical letter in praise of his own fidelity. Many questions, he stated, had been put to him respecting Cobham; but to all he had returned answers which exculpated his friend. Let Cobham pursue the same conduct with respect to him. Then there could be no danger; for the testimony of one witness—La Rensie was probably meant—could not legally procure a conviction. The whole statement was false. At his examination no mention had been made of Cobham: his denunciation of that nobleman was subsequent and voluntary†.

Cobham underwent two examinations, and persisted July
in the denial of the offence imputed to him. He was 16.
then called before commissioners to answer interrogato- 19.
ries administered in writing. On the repetition of his 20
denial Raleigh's letter to Cecil was put into his hands. His eyes were now opened to his danger. "That wretch," he exclaimed, "that traitor, Raleigh! hath he used me "thus? Nay, then, I will tell you all." He then confessed that at the instigation of Raleigh, and under the

* Jardine, 412. 416. Raleigh says that Cecil willed him not to speak of this, because the king, at the first coming of Count Aremberg, would not give him occasion of suspicion. Wherefore, he adds, I wrote to the lord Cecil that, if La Rensie were not secured the matter would not be discovered, for he would fly: yet, if he were then apprehended, it would give matter of suspicion to the lord Cobham. *Ibid.*

† Jardine, 432. If Raleigh's first letter to Cecil seemed to proceed from an innocent man, his second to Cobham betrayed a consciousness of guilt. Cecil declared, both at the trial, and in his letter to Winwood (Jardine, 416. 459.) that, when Raleigh wrote it, he had not been asked a single question respecting Cobham; whence it was inferred by indifferent persons, that "it was written rather to arm Cobham for that which might be to come, than to instruct him for that which was passed." Letter in Jardine, 463.

persuasion that the existing tranquillity could not long continue, he had made application to Aremberg, with whom it was arranged that he should proceed to Spain to receive a large sum of money, and on his return should visit Raleigh in his government of Jersey to consult with him respecting the distribution of it. Thus each accused the other; and each was committed to the Tower, to abide his trial*.

Raleigh was now fully aware of his danger. He knew the power of his enemies in the cabinet, and, as he expresses it, the cruelty of the law of England, which in trials for treason made it difficult for the most innocent to escape conviction. One afternoon, while the lords of the council were employed in the Tower, he made an attempt, probably a feigned attempt, to commit suicide July 27. by stabbing himself under the right breast. By his opponents this desperate act was attributed to consciousness of guilt: by himself, to the persuasion that he was doomed to fall a victim to the arts and malice of the secretary. Cecil is said to have given too much countenance to the charge, by his indecent triumph over an unfortunate and prostrate enemy†.

The apprehension of the conspirators was followed by the king's coronation. He had long ago appointed for July 25. this purpose his saint's day, the festival of St. James; and though a dangerous mortality raged in the city, he would not allow of any postponement. This haste was imputed to the alarm excited in his mind by the doctrine of Watson, that, since the succession had not been settled by act of parliament, James could not, till his coronation, be considered as the actual possessor, but only as claimant of the regal dignity. The ceremony was hastily performed by the archbishop of Canterbury,

* Jardine, 411. 413.

† Cayley, ii. 8. Cecil, however, has found an able advocate in the author of his life (in the *Cabinet Cyclop.* 112.), and it was probably by Cecil's direction, though for what reason we know not, that Coke at the trial "urged not the least word against Raleigh by reason of the guilty blow " which he gave himself in the Tower." Letter in Jardine, 464.

without the usual parade, and in the presence of those only who had been summoned to attend*.

From Westminster the king fled into the country; but the infection pursued him wherever he went; and for several months the judges with their suitors followed the sudden and uncertain migrations of the court. To this was attributed the long delay in bringing the conspirators to trial; but there was another and more secret cause—the presence of Aremburg, who was deeply implicated in that part of the plot denominated “the main.” Soon after his departure, the commoners accused of participating in “the bye” were arraigned Nov. 15. in the castle of Winchester. Their confessions, in which they had been careful to accuse not only themselves, but also each other, furnished the proofs of their guilt; and one only, sir Edward Parham, was acquitted, who pleaded that a design to rescue the king from the hands of those who might detain him in captivity, could not in justice be considered treason†.

The conviction of Raleigh offered a more serious difficulty. He had made no confession; and the real evidence of his guilt, certain intercepted letters between Aremburg and the ministers of the Archduke, could not with decency be made public‡. There remained only one mean of connecting him with the conspiracy, the declaration of Cobham. But if Cobham had at first in his passion accused him, he afterwards retracted the chief points in his accusation: and his subsequent depositions were so wavering and contradictory, that they

* See the proclamations to prevent attendance, in Rymer, xvi. 521. 527. According to Camden, the number of deaths in London from the plague amounted to 30,573.

† Howell's State Trials, ii. 61. And a letter from Francis Aungier in the Loseley MSS., 374.

‡ This was asserted by Beaumont in his despatches (Carte, iii. 721.) and is confirmed by the remark of Cecil to Raleigh in p. 13. note; by the apology which he compelled Coke to make to Aremburg for expressions which had escaped him at the trial; and by his instructions to the ambassadors at foreign courts, who were to say, that Aremburg had no notion, that the money was wanted for anything but “the advancement of the peace.” Nov. 30. Caley, ii. 64.

- appeared to be suggested by hope or terror, without any attention to truth. Aware of the weakness of his case, Nov. the attorney-general, sir Edward Coke, had recourse to
17. invective and abuse *: but Raleigh controlled his feelings, and replied with a moderation which placed in a stronger light the indecorous and violent conduct of his adversary. He demanded that Cobham should be confronted with him; he appealed to the statute law, and to the law of God, which required two witnesses; he even offered to abandon his defence, if his accuser would dare to assert in his presence that he had ever advised any dealing whatever with the Spanish monarch. But he was told that the statutes which he cited were not in force; that the law would not allow an accusing accomplice to be brought into court, lest he might take the opportunity to give false evidence for his friend; and that the trial of treason was as satisfactory by jury and written depositions, as by jury and witnesses. He replied that his, however, was a singular case: for the charges against him had been retracted by the man who originally made them: let then his accuser stand forth; and if Cobham dared to reaffirm a single charge before his face, he would submit to his doom, he would not add a word in his own defence. It was a bold challenge, but made with perfect confidence; for he had brought with him a letter written to him by that nobleman about a Nov. fortnight before, in which was the following passage: "to
1. "free myself from the cry of blood, I protest upon my
 "soul, and before God and his angels, I never had con-
 "ference with you in any treason; nor was ever moved
 "by you to the things I heretofore accused you of; and,
 "for anything I know, you are as innocent and as clear
 "from any treasons against the king, as is subject

* He called Raleigh a damnable atheist, a spider of hell, the most vile and execrable of traitors. *Raleigh*.—You speak indiscreetly, barbarously, and uncivilly. *Coke*.—I want words sufficient to express thy viperous treasons. *Raleigh*.—You want words, indeed, for you have spoken the one thing half a dozen times. *State Trials*, ii. 26.

"living. And God so deal with me, and have mercy on my soul, as this is true."

To meet this challenge, Coke produced what he deemed equivalent to the presence of the accuser, a letter written by him to the lords only the evening before. In it Cobham stated that being convinced of the design of Raleigh to clear himself by betraying *him*, he had resolved to set down the truth, and to retract what had cunningly been drawn from him. The truth was, that Raleigh had been the cause of his discontent and of his dealings with Aremberg; had solicited through him a pension of £1500 for intelligence, and had sent to Aremberg as a sample of his services, information of the secret agreement between the king and the States*. During the reading of this letter the unfortunate prisoner could not disguise his astonishment and perturbation. When he had recovered himself, he admitted that there had indeed been some talk, but talk only, of such a pension: denied that he had employed any artifice to procure the retraction of Cobham, and, putting the letter to himself into the hands of Cecil, insisted that it should be read, as an antidote to that which had been written to the lords. Of the two the former, from its solemn appeal to the knowledge and justice of God, deserved the greater credit, if credit could be due to anything coming from such a man. But it was now too late. Raleigh's inability to deny the charge of the pension had made a deep and unfavourable impression on the minds of the jury, who returned, though with visible reluctance, a verdict of guilty. By the great mass of the spectators it was received with disapprobation. They had at first looked upon the prisoner with abhorrence, as a base and revengeful traitor; but his defence had changed their sentiments; many pronounced him innocent; most

* See the copy of this letter in Jardine, 445. In this letter Cobham says nothing of his former charges whether they were true or false; he merely recalls his protestation that Raleigh was, as far as he knew, innocent of treason, and then assigns new instances never before mentioned.

acknowledged that he had been condemned without legal or sufficient proof*.

- Nov. Cobham and Grey were arraigned before their peers.
22. The shuffling and meanness of the one opposed a striking contrast to the spirit and eloquence of the other. Cobham appeared unworthy of the pardon which he claimed as the reward of his confession; Grey won the esteem of the very judges by whom he was condemned.
29. The two priests were the first who suffered. For them no one ventured to solicit the royal mercy: it was even whispered that James had no objection to rid himself of Watson, as one of the individuals whom he had formerly authorized to promise toleration to the catholics. The day before his execution, the earl of Northampton visited him in prison, and, as he afterwards asserted, obtained from him an avowal that no such promise had been made. At the gallows Watson abstained from any allusion to the subject; but, in common with his fellow sufferer, hinted a suspicion that he owed his fate as much to his priesthood as to his offence. Both were embowelled alive †.

Dec. Of the lay conspirators Brooke alone was executed ‡.

5

* Jardine, 445—9. State Trials, II. 27—30. The proceedings on this trial will justify the presumption, that there was something criminal in the dealings of the two friends with Aremberg, but do not supply sufficient evidence that Raleigh had been guilty of treason. Such evidence was, in the opinion of James and of Beaumont, the French ambassador, supplied by the intercepted letters of Aremberg; but of the correctness of that opinion we have no opportunity of judging. The letter or dissertation in Raleigh's Works, viii. 756. (Oxf. edit.) was certainly written by lord Henry Howard, and probably to Cecil: but I cannot persuade myself that it betrays any design in those noblemen of getting up a false charge of treason against Cobham and Raleigh.

† See the speeches of Northampton at the trials of the gunpowder conspirators, and of Garnet. Watson at the gallows, alluding to the former disputes between himself and the jesuits, said, "he forgave and desired to be forgiven of all; namely, that the jesuits would forgive him, if he had written over-eagerly against them; saying also that it was occasioned by them, whom he forgave if they had cunningly and covertly drawn him into the action for which he suffered." Stowe, 831. Indeed so great was the hostility between the parties, that Copley in his M.S. confession chiefly laments "the occasion of triumph which their failure would give the jesuits, knowing how much they were their enemies."

‡ He had written to Cecil, who had been married to the sister of Brooke, to inquire "what he might expect after so many promises received, and

With respect to the others, James resolved to surprise his subjects with a specimen of that kingcraft, in which he deemed himself so complete a master. At court several of the lords had interceded in their favour; their enemies called aloud for punishment; and Galloway, the minister from Perth, "preached so hotly against "remissness and moderation of justice, as if it were one "of the seven deadly sins." The king, if he rejected the prayer of the one, equally checked the presumption of the other.—Confining his secret within his own breast, Dec he signed on Wednesday the warrants for the execution 7. of Markham, Grey, and Cobham; and the next day 8. despatched a private letter to Tichbourne, the sheriff, by Gibb, a messenger who had just arrived from Scotland, and was consequently unknown. On the morning of 9. Friday Markham was led forth to suffer. He complained that he had been deluded with false promises of life: but though surprised he was not dismayed; and when a napkin was offered him, he refused it, saying that he was still able "to look death in the face without blushing." While he made himself ready for the block, the sheriff was withdrawn by Gibb, and, at his return addressing Markham, told him that, as he was not sufficiently prepared, he should have two hours more for private devotion. As soon as Markham was locked up, Grey made his appearance, preceded by a crowd of young gentlemen, and supported on each side by two of his dearest friends. The minister who attended him prayed aloud: Grey followed with a firm voice, affected language, and a delivery expressive of the most fervent piety. He then arose, confessed his guilt, and, falling again on his knees, prayed a full half hour for the king and the royal family. The moment he stopped, the sheriff informed him that he must leave the scaffold; that he had been brought forward by mistake; and

"so much conformity and accepted service performed by him to Cecil." In App. to Mrs. Thompson's Life of Raleigh. To what services or promises he alludes, is uncertain. They may have preceded, or have followed, his apprehension.

that Cobham, according to the warrant, must die before him. His removal made place for that nobleman, who, to the surprise both of his friends and foes, showed nothing of the mean and abject spirit which he had betrayed at his trial. He ascended the ladder with a firm step, surveyed with an undaunted eye the implements of death, and, acknowledging his own guilt, affirmed on his salvation that of his associate Raleigh.

At this moment Markham and Grey separately mounted the scaffold: and each of the three, in the persuasion that his companions were already dead, stared on the other two with looks of the wildest astonishment. The crowd pressed forward in breathless suspense; and the sheriff in a loud voice explained the mystery, by a declaration that the king of his own gracious disposition had granted life to each of the convicts. They were conducted to different prisons, and Raleigh, whose execution had been fixed for the Monday, shared the royal mercy in common with his fellows. James reaped the full fruit of this device. The existence of the plot was proved by the confessions made on the scaffold; the guilt of Raleigh was no longer doubted after the solemn asseveration of Cobham; and the royal ingenuity as well as clemency was universally applauded*.

It is plain that this conspiracy, so heterogeneously composed and so easily defeated, offered but little ground of alarm: yet it taught the king to distrust more deeply the professions both of the puritans and the catholics. From the moment when he crossed the Tweed, the two parties had never ceased to harass him with petitions for religious toleration. To the catholics he felt inclined to grant some partial indulgence. He owed it to their

* For these proceedings see the Hardwicke papers, i. 377—393. Lodge, iii. 215. Winwood, ii. 11. Howell's State Trials, ii. 65—70. Caley's Life of Raleigh, ii. 5—84. Stowe, 828—832. and Jardine's Criminal Trials. Cecil tells us that the king's object was to see how far the lord Cobham at his death would make good his accusation. Markham, Copley, and Brokesby were banished for life. Grey expired in the Tower, after a captivity of eleven years; and Cobham being discharged from confinement, died in extreme poverty in 1619. With Raleigh the reader will meet again.

sufferings in the cause of his unfortunate mother; he had bound himself to it by promises to their envoys, and to the princes of their communion. But his secret wishes were opposed by the wisdom or prejudices of his advisers: and, if he was ashamed to violate his word, he was taught also to dread the offence of his protestant subjects. At last he compromised the matter in his own mind, by drawing a distinction between the worship and the persons of the petitioners. To every prayer for the exercise of that worship, he returned a prompt and indignant refusal; on more than one occasion he even committed to the Tower the individuals, who had presumed to offer such an insult to his orthodoxy. But he invited the catholics to frequent his court; he conferred on several the honour of knighthood; and he promised to shield them from the penalties of recusancy, as long as by their loyal and peaceable demeanour they should deserve the royal favour. This benefit, though it fell short of their expectations, they accepted with gratitude. By most it was cherished as a pledge of subsequent and more valuable concessions; and the pontiff Clement VIII., now that Elizabeth was no more, determined to cultivate the friendship of the new king. By two breves directed to the archpriest and the provincial of the jesuits, he strictly commanded the missionaries to confine themselves to their spiritual duties, and to discourage, by all the means in their power, every attempt to disturb the tranquillity of the realm. The intelligence that Watson and Clarke had been engaged in the late conspiracy, was received by him with regret. He ordered the nuncio at Paris to assure James of the abhorrence with which he viewed all acts of disloyalty; and he despatched a secret messenger to the English court with an offer to withdraw from the kingdom any missionary, who might be an object of suspicion to the council*.

* "Parasitum esse eos omnes e regno evocare, quos sua majestas rationabiliter judicaverit regno et statui suo noxios fore." From instructions given to Dr. Gifford, dean of Lisle, MS. penes me.

The puritans relied with equal confidence on the goodwill of the new monarch. He had been educated from his infancy in the Genevan theology; he had repeatedly expressed his gratitude to God "that he belonged to the purest kirk in the world;" and he had publicly declared that, "as long as he should brook his life, he would maintain its principles." These may have been the sentiments of his more youthful years: but in proportion as the declining age of Elizabeth brought the English sceptre nearer to his grasp, he learned to prefer the submissive discipline of a church, which owned the sovereign for its head, to the independent forms of a republican kirk; and, as soon as he saw himself possessed of the English crown, he openly avowed his belief that the hierarchy was the firmest support of the throne, and that, where there was no bishop, there would shortly be no king*.

The first petitions of the puritans were couched in submissive language: gradually they assumed a bolder tone, and demanded a thorough reformation both of the clergy and liturgy. James was irritated, perhaps alarmed but he preferred conciliation to severity, and invited four of the leading ministers to a conference at Hampton court. On their first attendance they were not admitted. The king spent the day in private consultation with the bishops and his council. Before them he declared that he was a sincere convert to the church of England; and thanked God, who "had brought him to the promised land, to a country where religion was purely professed, and where he sat among grave, reverend, and learned men; not as before, elsewhere, a king without state, without honour, and without order, and braved to his face by beardless boys under the garb of ministers." Yet he knew that everything on earth was subject to imperfection; and, as many com-

* Calderwood, 256. In his premonition to the apology for the oath of allegiance, he dates his conversion six years before his accession to the English throne. P. 45.

plaints had been laid before the throne, he had called them together that they might beforehand determine, how far it would be prudent to concede to the demands of their adversaries.—It was not the interest of the bishops to alienate the king by unreasonable opposition. They readily consented that in the book of common prayer, to prevent misapprehension, explanatory words should be added to the general absolution, and the form of confirmation; that the practice of the commissary courts should be reformed by the chancellor and the chief justice; that excommunication should no longer be inflicted for trifling offences; and that the bishops should neither confer ordination, nor pronounce censures, without the assistance of some grave and learned ecclesiastics. The only subject of debate was private baptism. The king argued against it during three hours; but was at last satisfied with the concession, that it should be administered only by clergymen, to the exclusion of laics and especially of females.

On the second day of the conference the puritan ^{Jan} ministers were admitted. They reduced their demands ¹⁶ to four heads, purity of doctrine, a learned ministry, the reformation of the ecclesiastical courts, and the correction of the book of common prayer. The first three did not occasion much debate. But the lawfulness of the ceremonies, and the obligation of subscribing to the articles, were warmly contested. After the bishops of London and Winchester, and some of the deans, had spoken, James himself took up the argument, and displayed, even in the opinion of his adversaries, considerable ability. If he taunted them with the weakness of their reasoning, he reprimanded the prelates for the asperity of their language. Sometimes he enlivened the discussion by the playfulness of his wit, sometimes he treated with ease the most abstruse questions in theology. He did not, however, dissemble, that his determination was as much the result of political reasoning as of religious conviction. "If," he said, "you aim at a Scottish pres

"bytery, it agreeth as well with monarchy as God with the devil. Then Jack, and Tom, and Will, and Dick, shall meet, and at their pleasure censure me and my council, and all our proceedings. Then Will shall stand up and say, It must be thus: then Dick shall reply, Nay, marry, but we will have it thus: and therefore here I must once more reiterate my former speech and say, *Le roy s'avisera*." In conclusion, all that the ministers could obtain was, that a national catechism should be framed, and a new translation of the scriptures be published; that the apocrypha, as read in the church, should be distinguished from the canonical scriptures; and that some doubtful expressions in the articles should be more clearly explained.

Jan. The morning of the third day was devoted to an inquiry into the abuses of the high commission court; and a resolution was taken to limit the number of the judges, and to select them exclusively from the higher classes in the state. The dissenting divines were then called in; the decision of the king was announced; and at their request a certain interval was granted, during which the obligation of conformity should not be enforced*. Thus ended the conference: but it produced few of the effects expected from it. The prelates were not in haste to execute those reforms to which they had consented more from the fear of exciting displeasure, than from any persuasion of their necessity. The puritans were dissatisfied with their divines, who had been selected without their concurrence, and had not displayed in the presence of the sovereign that bold and independent spirit, which became ministers of the gospel. They also complained, and not without reason, that James had acted not as a judge, but as a party; that

* Compare Fuller, cent. xvi. l. ix. 7—24. Howell's State Trials, li. 70—94, with Dr. Montague's letter in Winwood, li. 13—16, and the bishop of Durham's letter in Strype's Whitgift, App. 236. It is plain that Barlow has greatly abridged, and often omitted the arguments of the non-conformists. The alterations in the book of common prayer were immediately made, and published by authority. Rym. xvi. 569. 574.

he substituted authority for argument; and that he insisted on submission, when he should have produced conviction. But the king himself was gratified. Never before had the opportunity been given to him of displaying his theological knowledge on so noble a theatre. In the presence of several distinguished divines, of the first dignitaries of the church, and of the lords of the council, he had expounded the scriptures and the fathers, resolved the most knotty questions, and decided every doubt with infallible accuracy. His adversaries quailed before him: the prelates stood wrapt in transports of admiration; the primate exclaimed, that "his majesty spoke "by the special assistance of God's spirit;" and the bishop of London protested that "his heart melted "within him to hear a king, the like of whom had not "been since the time of Christ *."

Though the result of the conference disappointed the hopes of the non-conformists, they did not despair of bettering their condition: but the king on the presentation of a petition in their favour, spoke of them in terms of bitterness which showed how little they had to expect from the good-will of the monarch. It was, he said, to a similar petition that the rebellion in the Netherlands owed its origin: both his mother and he had been haunted by puritan devils from their cradles: but he would hazard his very crown to suppress such malicious spirits; and not puritan only, but also papists, whom he hated so cordially that, if he thought it possible for his

* Howell, ii. 86, 87. "The king talked much Latin, and disputed with "Dr. Reynolds at Hampton; but he rather used upbraiding than argument, and told the petitioners that they wanted to strip Christ again, "and hid them away with their snivelling. The bishops seemed "much pleased, and said, his Majesty spoke by the power of inspiration. "I wist not what they mean; but the spirit was rather foul-mouthed." *Nugæ Antiquæ*, i. 181. But James seems to have thought differently. "I peppered them," says he, "as soundly as ye have done the papists. "..... They fled me from argument to argument. I was forced at last "to say unto them, that if any of them had been in a college disputing "with their scholars, if any of their disciples had answered them in that "sort, they would have fetched him up in place of a reply, and so should "the rod have plied," &c. *Strype's Whitgift*, App. 239.

son and heir to grant them toleration in the time to come, he should fairly wish to see the young prince at that moment lying in his grave. Nor were the dependents of the court slow to act in conformity with the words of the sovereign. In the star-chamber it was decided that the gathering of hands to move his majesty in matters of religion was an act tending to sedition and rebellion; and orders were issued to the judges and magistrates to enforce with all their power the penal laws against non-conformists, whether protestants or catholics*.

Mar. 19. In a few days the king met his first parliament with the most flattering anticipations; and opened the session with a gracious and eloquent speech from the throne. But, instead of the return which he expected, he found himself entangled in disputes, from which he could not extricate himself with satisfaction or credit. In the lower house a formidable party was marshalled against him, composed of the men who, about the close of the last reign, had dared to advocate the rights of the subject against the abuse of the prerogative. Their notions of civil liberty had been shocked by a recent proclamation†, in which James by his own authority pretended to lay down rules to be observed in the election of the members; and their religious feelings had been wounded by the unfavourable result of the conference at Hampton Court. Their numbers and talents gave them courage and importance: they had formerly wrung concessions from the despotism of Elizabeth; they doubted not to triumph over the pretensions and the rhetoric of her Scottish successor. The speaker, in his first address to the king, was careful to inform him that "new laws could not be instituted, nor imperfect laws reformed, nor inconvenient laws abrogated, by any other power than that of the high court of parliament, that is, by the agreement of the commons, the accord of the lords,

* Ellis, 2 ser. iii. 216.

† See it in Rymer, xvi. 561.

"and the assent of the sovereign: that to him belonged "the right either negatively to frustrate, or affirmatively "to ratify: but that he could not institute; every bill "must pass the two houses before it could be submitted "to his pleasure." Such doctrines were not very palatable to the monarch: but to detail the rise, and progress, and issue of the altercations between him and the commons, would weary and exhaust the patience of the reader. James complained of their presumption; *they* attributed the complaint to ignorance or misinformation: he contended that the privileges of the house were matters of royal favour; they, that they were the birthright of Englishmen; he assigned the decision of contested elections to his court of chancery; they claimed it for themselves, as essential to the government of their own estate*: he upbraided them with the invasion of his prerogative by making assarts, wardships, marriages, and purveyance the subjects of their debates; they repelled the charge by declaring that their only object was to relieve the nation from an intolerable burthen, and to give to the crown more than an equivalent in annual revenue. These bickerings continued during a long and stormy session: and, if the king, by his interest in the upper house, succeeded in averting every blow aimed by the puritans at the discipline of the church, he was yet

From
Mar.
19
till
July
7.

* Sir Francis Goodwin had been chosen knight of the shire for the county of Buckingham: but the clerk of the crown had refused to receive the return on pretence that Goodwin had been outlawed, and sir John Fortescue, a member of the council, was elected in virtue of a second writ. The commons voted that Goodwin was duly elected: a vote which displeased both James, who by proclamation had forbidden the choice of outlaws, and the lords of the council, who maintained the election of Fortescue. But the commons were obstinate; they refused to confer on the subject with the lords, or to submit to the contrary decision of the judges. James at length ordered them to debate the question with the judges in his presence: they obeyed, and at his suggestion agreed to a compromise, that both elections should be declared void, and a new writ issued. The victory was in reality obtained by the commons: for the speaker, by order of the house, issued his warrant for the new writ, and they have continued ever since to exercise the right which they then claimed, of deciding on the merits of contested elections. Journals of Commons, 149. 151. 156. 158. 161. 162. 171. Cecil's explanation of this matter, to be adopted by the ambassadors at foreign courts, is in Winwood, ii. 10.

unable to carry in the lower any of the measures which he had contemplated, or to obtain a supply of money in addition to the accustomed vote of tonnage and poundage*. On one question only were all parties agreed. Fanaticism urged the puritans to persecute the catholics; and the hope of conciliation induced the friends of the crown to add their support. The oppressive and sanguinary code, framed in the reign of Elizabeth, was re-enacted to its full extent; it was even improved with additional severities. Every individual who had studied or resided, or should afterwards study or reside, in any college or seminary beyond the sea, was rendered incapable of inheriting, or purchasing, or enjoying lands, annuities, chattels, debts, or sums of money within the realm; and, as missionaries sometimes eluded detection under the disguise of tutors, it was provided that no man should teach even the rudiments of grammar, in public or in private, without the previous approbation of the diocesan†.

The convocation sat at the same time with the parliament; and the result of its deliberations was a code of ecclesiastical canons amounting to one hundred and forty-one. By them the sentence of excommunication ipso facto was pronounced, 1°. against all persons who should deny the supremacy of the king, or the orthodoxy of the English church; 2°. against all who might affirm that the book of common prayer was superstitious or unlawful, or that any one of the thirty-nine articles was in any part erroneous; or that the ordinal was repugnant to the word of God; and 3°. against all those who should separate from the church, or establish conventicles, or assert that ecclesiastical regulations might be made or imposed without the royal consent. Then followed the laws for the celebration of the divine wor-

* See the journals of the lords and commons for the session, *passim*.

† Stat. of Realm, iv. 1020. In this parliament an act was passed to disable bishops from alienating the possessions of their sees to the crown, that they might more easily "maintain true religion, keep hospitality, and avoid dilapidations." *Ibid*.

ship, the administration of the sacraments, the duties and residence of incumbents, and the practice of the ecclesiastical courts*. This new code was afterwards confirmed by letters patent under the great seal; but its authority was fiercely disputed both by the dissenters and by the lay members of the establishment. It was contended that the clergy had no power to create offences which should subject the delinquent to the civil punishment consequent on the sentence of excommunication; and in the next session of parliament a bill passed the commons, declaring that no canon or constitution ecclesiastical, made within the last ten years, or to be made thereafter, should be of force to impeach or hurt any person in his life, liberty, lands, or goods, unless it were first confirmed by an act of the legislature. The bishops united in opposing this bill, as derogatory from the authority of the convocation, and of the king, the head of the church. Several conferences took place between the two houses; but the parliament was dissolved before the third reading, and the decision of the question fell to the judges in Westminster Hall, who have often declared that, though the canons of 1604 bind the clergy by whom they were framed, they have no power to bind the people, as long as they want the approbation of the legislature†.

When the canons were published, Bancroft, who had lately succeeded Whitgift in the see of Canterbury, called on the officiating clergy to conform. The greater part submitted; the dissidents were silenced or deprived. The puritans, however, did not tamely yield to the storm. They assembled and consulted; they solicited the protection of the council, and of the favourites; they poured in petitions and remonstrances from every quarter. But James proved inexorable; and of the petitioners several were punished with the loss of office, or the erasure of

* Wilkins, *Con.* iv. 380—405. 489. 584. 637.

† *Lords' Journals*, ii. 425; *Dalrymple's Memorials*, i. 22—25; *Somers' Tracts*, ii. 14.

their names from the commission of peace ; others were called before the council, and admonished that their obstinacy in opposing a measure which had been finally determined amounted to an offence little short of high treason. The distress of the ejected ministers and of their families, the imprisonment of a few, and the voluntary exile of several, have been feelingly deplored by the puritan writers, who describe this as the most violent of persecutions. But while they make the deprived clergy amount to three hundred individuals, their adversaries reduce the number to fifty, exaggerate the obstinacy and unreasonableness of the sufferers, and claim for the prelates the praise of moderation and forbearance. The representations of both are probably too highly coloured. It must have been that on such an occasion many cases of individual hardship, perhaps some of unjustifiable rigour, would occur : yet it will remain a difficult task to show on what just ground men could expect to retain their livings, while they refused to submit to the doctrine, or to conform to the discipline, of that church by which they were employed *.

Feb. 22. The puritans in their discontent had accused the king of papistry. He persecuted, they said, the disciples, while he favoured the enemies of the gospel. James hastened to rescue himself from the charge. Another proclamation was published, enjoining the banishment of all catholic missionaries ; regulations were adopted for the discovery and presentment of recusants ; and orders were sent to the magistrates to put the penal laws into immediate execution. He even deemed it expedient to deliver his sentiments in the star-chamber, to declare his detestation of popery, and to repeat his wish that none of his children might succeed him if they were ever to depart from the established church. These proceedings afforded some consolation. If one opening were closed, another was offered to the exertions of the zealots.

* Neal, part ii. c. i. ; Collier, ii. 687 ; Winwood, ii. 49.

They were not indeed suffered to purge the church from the dregs of superstition, but they might still advance the glory of God by hunting down the idolatrous papist*.

The execution of the penal laws enabled the king, by an ingenious comment, to derive considerable profit from his past forbearance. It was pretended that he had never forgiven the penalties of recusancy : he had merely forbidden them to be exacted for a time, in the hope that this indulgence would lead to conformity ; but his expectations had been deceived ; the obstinacy of the catholics had grown with the lenity of the sovereign ; and, as they were unworthy of further favour, they should now be left to the severity of the law. To their dismay the legal fine of 20*l.* per lunar month was again demanded ; and not only for the time to come, but for the whole period of the suspension ; a demand which, by crowding thirteen payments into one, reduced many families of moderate incomes to a state of absolute beggary. Nor was this all. James was surrounded by numbers of his indigent countrymen. Their habits were expensive, their wants many, and their importunities incessant. To satisfy the more clamorous, a new expedient was devised. The king transferred to them his claims on some of the more opulent recusants, against whom they were at liberty to proceed by law in his name, unless the sufferers should submit to compound by the grant of an annuity for life, or the immediate payment of a considerable sum. This was at a time when the jealousies between the two nations had reached a height, of which at the present day we have but little

* Before I proceed to the history of the gunpowder plot I should inform the reader that I am indebted for many of the following particulars to two manuscript narratives in the hand-writing of their respective authors : the one in English, by father John Gerard ; the other an Italian translation, but enriched with much additional information, by father Oswald Greenway. Both were Jesuit missionaries, the familiar acquaintance of the conspirators, and on that account suspected by the government of having been privy to the plot. They evidently write with feelings of compassion for the fate of their former friends ; but they disclose many important particulars which must have been otherwise unknown.

conception. Had the money been carried to the royal coffers, the recusants would have had sufficient reason to complain: but that Englishmen should be placed by their king at the mercy of foreigners, that they should be stripped of their property to support the extravagance of his Scottish minions, this added indignity to injustice, exacerbated their already wounded feelings, and goaded the most moderate almost to desperation*.

Among the sufferers was Robert Catesby, descended from an ancient and opulent family, which had been settled during several generations at Ashby St. Legers, in Northamptonshire, and was also possessed of considerable property in the county of Warwick. His father, sir William Catesby, more than once had been imprisoned for recusancy: but the son, as soon as he became his own master, abandoned the ancient worship, indulged in all the licentiousness of youth, and impaired his fortune by his follies and extravagance. In 1598 he returned to the religion of his more early years; and from that moment it became the chief subject of his thoughts to liberate himself and his brethren from the iron yoke under which they groaned. With this view, having previously stipulated for liberty of conscience, he joined, together with several of his friends, the earl of Essex; and in the ill-directed attempt of that nobleman was wounded, taken, and committed to prison. He had, in-

* I have several papers of the time, in which the writers complain in the bitterest terms of this usage. Several curious papers on the same subject, at a later period of this reign, may be seen in Birch's *Life of Prince Henry*, p. 320, Append. 468-479. Raumer, ii. 213. From the *Book of Free Gifts*, I find that James gave out of the goods of recusants, in his first year, 150*l.* to sir Richard Petson; in his third, 3000*l.* to John Gibb; in his fourth, 2000*l.* to John Murray, and 1500*l.* to sir James Sandilands; in his fifth, 2000*l.* to John Auchmoutie, 3000*l.* to Martin and Abraham Hardaret, 200*l.* to John Potten; in his eleventh, 3000*l.* to Charles Chambers, 6000*l.* to the lord of Loreston, 2000*l.* to sir William Wade, 1000*l.* to sir Ralph Bowes, 1000*l.* to sir Richard Wigmore, 4000*l.* to sir James Simple and Thomas Lee, and 3000*l.* to sir Hugh Beeston. But the grantees of this year resigned their grants, and received one-quarter of the original sums from the Exchequer. See Abstract of his Majesty's Revenue, London, 1651, pp. 17-30. I suspect, however, that these gifts were of a different nature from those mentioned in the text: they were determinate sums out of fines already levied.

deed, the good fortune to escape the block; but was compelled to purchase his liberty with the sum of three thousand pounds. After his discharge he attached himself, through the same motive, to the Spanish party among the catholics, and bore a considerable share in their intrigues to prevent the succession of the Scottish monarch. When these had proved fruitless, he acquiesced in the general opinion of his brethren, and cherished with them the pleasing hope of indulgence and toleration. But the delusion soon vanished: in every quarter it was easy to discern the gathering of the storm, which afterwards burst upon their heads: and Catesby, reverting to his original pursuit, revolved in his mind every possible means of relief. To succeed by insurrection he saw was hopeless: the catholics were the weaker party, and disunited among themselves; to look for sufficient aid from the princes abroad was equally visionary: the king of France, the king of Spain, and even the pontiff, all professed themselves the friends of James. At length there suggested itself to his mind a plan, which required not the help of foreigners, nor the co-operation of many associates, but a plan so atrocious in principle, and so sanguinary in execution, that it is difficult to conceive how it could be harboured in the mind of any human being—the plan of blowing up the parliament house with gunpowder, and involving in one common destruction the king, the lords, and the commons, all those who framed, with the chief of those who executed, the penal laws against the English catholics*.

The person to whom Catesby first opened his mind was an intimate friend, Thomas, the younger brother of Robert Winter, of Huddington in Worcestershire. In

* Persons, however, observes, that this was not the first gunpowder plot. "There be recounted in histories many attempts of the same kynds, and some also by protestants in our dayes: as that of them who at Antwerp placed a whole barge of powder in the great street of that city, where the prince of Parma with his nobility was to passe: and that of him in the Hague that would have blown up the whole council of Holland upon private revenge." Letter touching the New Oath of Allegiance, sect. i. v. apud Butler, Historical Memoirs, i. 266, first edition.

Mar. his youth he had served as a volunteer in the army of the states; afterwards he had been repeatedly employed at the court of Madrid, as agent for the Spanish party in England. Winter was struck with horror at the communication; he hesitated not to pronounce the project most wicked and inhuman. But Catesby attempted its justification. He sought not, he observed, any private revenge or personal emolument. His sole object was to suppress a most unjust and barbarous persecution by the only expedient which offered the prospect of success. There could be no doubt that it was lawful, since God had given to every man the right of repelling force by force. If his friend thought it cruel, let him compare it with the cruelties exercised during so many years against the catholics; let him reckon the numbers that had been butchered by the knife of the executioner; the hundreds who had perished in the solitude of their prisons; and the thousands that had been reduced from affluence or ease to a state of want or beggary. He would then be able to judge where the charge of cruelty could with justice be applied*.

This was at the time when Velasco, the constable of Castile, had arrived in Flanders, to conclude a peace between England and Spain. The two friends, after a long discussion, resolved to postpone their direful purpose till they had solicited the mediation of the Spaniard with their sovereign. With this view Winter repaired to Bergen, near Dunkirk, where a private conference with the ambassador convinced him, that though he might speak in favour of the English catholics, he would make no sacrifice to purchase for them the benefit of toleration. From Bergen Winter hastened to Ostend, where he met with Guy Faukes, a native of Yorkshire, and a soldier of fortune. Faukes had long served in the Netherlands, had borne an important command under sir Thomas Stanley, and had visited Madrid in the company

* Greenway's MS. p. 30.

of Winter, as agent for the exiles of the Spanish party. His courage, fidelity, and military experience pointed him out as a valuable auxiliary. He consented to return with Winter to England, but was kept for some April time in ignorance of the part which he was designed to act*.

Before their arrival, Catesby had communicated the plan to two others, Percy and Wright. Thomas Percy was a distant relation and steward to the earl of Northumberland. He had embraced the catholic faith about the same time as Catesby, and had shared with him in the disastrous enterprise of Essex. But afterwards he opposed Catesby's associates of the Spanish faction, visited James in Edinburgh, and, in consequence of his promises, laboured with success to attach the leading catholics to the cause of the Scottish monarch†. Subsequent events induced Percy to look on himself as the dupe of royal insincerity; he presented a remonstrance to the king, but received no answer; and, while his mind was agitated by resentment on the one hand, and by shame on the other, Catesby seized the favourable moment to inveigle him into the conspiracy. At first he demanded time to deliberate: but the desire of revenge,



* See Winter's confession in the "The Gunpowder Treason, with a Discourse of the Manner of its Discovery, 1679," pp. 48—50: Greenway's MS. 36. I observe that Faukes always writes his name with u.

† There can be no doubt that Percy thus represented the answer of James, though the king afterwards denied that he had any authority for it. When the earl of Northumberland was examined whether he had ever affirmed that he could dispose of the catholics of England, he answered thus: "He denieth that he ever affirmed any such matter, but sayeth, that when Percy came out of Scotland from the king, (his lordship having written to the king, where his advice was to give good hopes to the catholiques, that he might the more easilie, without impediment, come to the crown,) then returning from the king, he sayed, that the king's pleasure was, that his lordship should give the catholiques hopes that they should be well dealt withal, or to that effect: and it may be he hath told as much as the king said." Interrogatories of the 23rd of November, in the State Paper Office.—The letter to which the earl alludes has been published by Miss Aikin, in her Court of James I. p. 253; and in it occurs the following passage: "I will dare to say no more, but it were pity to lose so good a kingdom for not tolerating mass in a corner, if upon that it resteth." As for the denial of James, it is undeserving of credit. There are too many instances on record, in which he has denied his own words.

and the hope of averting the evils which he had unintentionally contributed to bring on his brethren, won his consent; and he offered as a useful associate his brother-in-law, John Wright, formerly a follower of Essex, and noted as the best swordsman of his time, who had lately become a catholic, and on that account had been harassed with prosecutions and imprisonment. The conspirators were now four: after a short trial

May i. Faukes was added to the number; and all five having previously sworn each other to secrecy, received, in confirmation of their oath, the sacrament from the hand of the jesuit missionary, father Gerard*.

But, though they had thus pledged themselves to adopt the sanguinary project suggested by Catesby, its execution was still considered as distant and uncertain.

July. They cherished a hope that James might listen to the prayers of Velasco, that his eagerness to conclude a peace with the catholic king might induce him to grant at least the liberty of private worship to his catholic subjects. The English and Spanish commissioners had already assembled; and though both assumed a tone of indifference—though they brought forward the most irreconcilable pretensions, it was well known that their respective sovereigns had determined to put an end to the war, whatever sacrifices it might cost. After re-

* This fact was brought to light by the confessions of Winter and Faukes, who out of the five were the only two then living. But they both acquit Gerard of having been privy to their secret. Winter says, that "they five administered the oath to each other in a chamber, in which no other body was," and then went into another room to receive the sacrament. Winter's Confession, p. 50. Faukes, that "the five did meet at a house in the fields beyond St. Clement's Inn, where they did confer and agree upon the plot, and there they took a solemn oath and vows by all their force and power to execute the same, and of secrecy not to reveal any of their fellows, but to such as should be thought fit persons to enter into that action; and in the same house they did receive the sacrament of Gerard the Jesuit, to perform their vow and oath of secrecy aforesaid. But that Gerard was not acquainted with their purpose." See the fifth examination of Faukes, taken November 9th, and subscribed by him November 10th, in the State Paper Office. It was read at the trial, with the exception of the part exculpating Gerard. Before that in the original is drawn a line, with the words *Auc usque*, in the hand-writing of sir Edward Coke, who was unwilling to publish to the world a passage, which might serve for the justification of one whom he meant to accuse.

peated conferences for the space of two montns, the Aug. treaty was concluded. It restored the relations of 18. amity between the English and Spanish crowns; revived the commercial intercourse which had formerly subsisted between the nations; and left to the equity of James the disposal of the cautionary towns in Holland, if the states did not redeem them within a reasonable time*. The constable now interposed the solicitations of his sovereign in behalf of the English catholics; and assured James that Philip would take every indulgence granted to them as a favour done to himself. At the same time to second his endeavours, the catholics made to the king the voluntary offer of a yearly sum in lieu of the penalties payable by law; and attempted to move the pity of the archbishop and of the council, by laying before them a faithful representation of the distress to which numbers of respectable families had been reduced, by their conscientious adherence to the faith of their fathers. But the king, under the advice of his ministers, was inexorable: he assured Velasco, that even if he were willing, he dared not make a concession so offensive to the religious feelings of his protestant subjects. The judges and magistrates received fresh orders to enforce the immediate execution of the penal laws; 14 measures were adopted for the more certain detection of recusants; and a new commission was appointed for the banishment of all catholic missionaries†. These proceedings, following in rapid succession, extinguished the last ray of hope in the breasts of the conspirators. They exhorted each other to hazard their lives, like the Maccabees, for the liberation of their brethren; they hastened to execute that plan, which appeared to be their only resource; and they pronounced it a lawful retribution to bury the authors of their wrongs amidst the ruins of

* Rymer, xvi. 585, 617.

† Rymer, xvi. 597. More, 309 Gerard's MS. 39. Greenway's MS. 35.

the edifice in which laws so cruel and oppressive had been devised and enacted*.

On inquiry they found contiguous to the old palace of Westminster an empty house, with a garden attached to it, exactly adapted to their purpose. It was hired by Percy, under pretence of convenience, because his office of gentleman pensioner occasionally compelled him to reside in the vicinity of the court. For three months he was kept out of possession by the commissioners for a projected union between England and Scotland; but at their departure he secretly introduced his associates, who again swore to be faithful to each other at the risk of their own lives. On one side of the garden stood an old building raised against the wall of the parliament house. Within this they began to open the mine, allotting two thirds of the twenty-four hours to labour, and the remaining third to repose; and dividing the task among themselves in such manner, that while one enjoyed his portion of rest, the other three were occupied in the work, which, during the day, consisted in excavating the mine—during the night in concealing the rubbish under the soil of the garden. Faukes had a different employment: as his person was unknown, he assumed the name of Johnson, gave himself out as the servant of Percy, and kept a constant watch round the house. When a fortnight had been thus devoted to uninterrupted labour, Faukes informed his associates that the parliament was prorogued from the seventh of February to the third of October. They immediately separated to spend the Christmas holidays at their respective homes, with an understanding that in the interval they should neither write nor send messages to each other†.

Before this, however, Catesby had discovered a disposition in his fellow-labourers to question the lawfulness

* Greenway, 37

† Winter's Confession, 51—53. Gerard, 36. Greenway, 28.

of the enterprise. That they had a right to destroy those who sought to destroy *them* was admitted ; but what, it was asked, could be said in justification of the murder of those friends and catholics who must be enveloped in the same fate with their enemies? The recurrence of the question produced in him alarm and irritation. If he was able by his vehemence to silence their inquiries, he did not convince their consciences : he saw that higher authority was required ; and this he sought with that secrecy and cunning which marked the whole of his conduct. The king had granted permission to sir Charles Percy to raise a regiment of horse for the service of the archduke ; and Catesby, through the earl of Salisbury, had obtained the royal license to accept a captain's commission. It served him as a pretence to provide arms and horses for his own use ; and it also supplied him with the means of seeking a solution of the difficulty suggested by his friends, without the danger of betraying the secret. To Garnet, the provincial of the jesuits, he observed in the presence of a large company that he was about to engage in the service of the archduke : of the justice of the war he had no doubt ; but he might be commanded to partake in actions in which the innocent would necessarily perish with the guilty—unarmed women and children with armed soldiers and rebels. Could he in conscience obey ? Would not the fate of the innocent render his conduct unlawful in the sight of the Almighty ? Garnet replied that, according to divines of every communion, obedience in such cases was lawful ; otherwise it would at all times be in the power of an unjust aggressor to prevent the party aggrieved from pursuing his just right. This was sufficient : the new theologian applied the answer to the intended plot, and boasted to his associates that their objection was now proved to be a weak and unfounded scruple*.

* According to sir Edward Coke, whose object it was to connect Garnet with the conspiracy, the question was proposed in these terms : "whether
" for the good and promotion of the catholic cause against heretics, it be

During the recess he had imparted his secret to Christopher, the brother of John Wright, and to Robert, the brother of Thomas Winter. The first had lately become a convert to the catholic faith; both had suffered imprisonment for their religion. With this accession to their number the conspirators resumed their labour; but their progress was retarded, and their hope checked by unexpected difficulties. The influx of water at a certain depth rendered it impossible to carry the mine under the foundation; and to pierce through a wall three yards thick, and composed of large stones, was no easy task to men unaccustomed to manual labour. Still they persevered; and the perforation daily proceeded, till they were alarmed one morning by a considerable noise, which appeared to come from a room almost over their heads. Faukes, on inquiry, learned that it was a vaulted cellar, which lay under the house of lords, and would in a few days be unoccupied. This fortunate discovery filled them with joy: the mine was abandoned; Faukes hired the cellar in the name of his pretended master; and into it were conveyed, under the cover of the night, several barrels of gunpowder, which had been collected in a house at Lambeth. To elude suspicion these were concealed under stones, billets of wood, and different articles of household furniture; and the conspirators, having completed their preparations, separated to meet again in September, a few days before the opening of parliament*.

In the mean time the persecution, which had commenced in the preceding year, daily increased in severity. Nocturnal searches for the discovery of priests were resumed with all that train of injuries, insults, and vexations, which characterized them in the reign of Eliza-

"lawful or not among many nocents to destroy some innocents also?" *Gunpowder Treason*, p. 165. But of this assertion he never attempted to adduce any proof: and not only Garnet, but also Greenway, who was present, declare that the case proposed was that which I have mentioned above. *Greenway*, 40—42.

* *Winter's Confession*, 55. *Gerard*, 42. *Greenway*, 45.

beth*. The jails were crowded with prisoners; and some missionaries and laymen suffered, more were condemned to suffer, death for religious offences†. The officiating clergy were bound under ecclesiastical penalties to denounce all recusants living within their respective parishes‡; and courts were held every six weeks to receive informations, and to convict offenders. The usual penalties were enforced with a rigour of which former persecutions furnished no precedent; and the recusants, in the middle classes of life, were ground to the dust by the repeated forfeiture of all their personal estates, with two-thirds of their lands and leases§. To reduce the

* "For then, not only in the shires and provinces abroad, but even in London itself, and in the eyes of the court, the violence and insolency of continuall searches grew to be such as was intollerable; no night passing commonly, but that soldiours and catch-poles brake into quiet men's houses, when they were asleepe; and not only carried away their persons unto prisons at their pleasure except they would brybe excessively, but whatsoever liked them best besydes in the house. And these searches were made with such violence and insolency, as divers gentlewomen were drawne or forced out of their beds, to see whether they had any sacred thing or matter belonging to the use of catholic religion, either about them or under their bedds." Persons' judgment of a catholic Englishman. 8vo. 1608.

† Sugar, a priest, Grissold, Baily, Wilbourn, Fulthering, and Brown, laymen, were executed. Hill, Green, Tichbourne, Smith, and Briscow, priests, and Skitel, a layman, received sentence of death, but were reprieved at the solicitation of the French and Spanish ambassadors, and afterwards sent into banishment. Skitel had been condemned by sergeant Philips for having only received a jesuit into his house. The sentence was thought illegal; and Pound, a catholic gentleman, complained to the council. Instead of redress he was called before the lords in the star-chamber, who "declared the condemnation to be lawfull, condemned Pound to lose one of his ears here in London, and the other in the county where he dwelleth, to fine 1000*l*. and to endure perpetual imprisonment, if he impeach not those that advised him to commence his suite; and if he would confess, this sentence should be revoked, and their lordships would otherwise determine according to reason. In the mean time Pound lyeth a close prisoner in the Tower." Winwood, ii. p. 36. The queen interceded for Pound, but James forbade her evermore to open her mouth in favour of a catholic. Some time afterwards the French and Venetian ambassadors remonstrated on the severity of the sentence, and Pound, having stood a whole day in the pillory in London, was allowed to depart to his own house at Belmont in Hampshire. Bartoli, 64. Endæmon Joannes, 238.

‡ Wilk. Con. iv. 400. can. cxiv. 411.

§ These penalties were exacted with such rigour by the bishops of Hereford and Llandaff, that in the sole county of Hereford 409 families suddenly found themselves reduced to a state of beggary. It required but little additional provocation to goad men in such extremity to acts of violence. The curate of Allenmoor, near Hereford, had refused to allow the

higher ranks to an equality with their more indigent brethren, the bishops received orders, at the suggestion of the chancellor, to excommunicate the more opulent or more zealous catholics within their dioceses, to certify the names into the chancery, and to sue for writs de excommunicato capiendo, by which the delinquents would become liable to imprisonment and outlawry; incapable of recovering debts, or rents, or damages for injuries; of making sales or purchases; or of conveying their estates by deed or will*. To add to their terrors a report was spread that in the next parliament measures would be adopted to ensure the total extirpation of the ancient faith; and the report seemed to be confirmed by the injurious epithets which the king in his daily conversation bestowed on the catholics, by the menacing directions of the chancellor in the star-chamber, and by the hostile language of the bishop of London in Aug. his sermon at St. Paul's cross.

June
30.

5. It was with secret satisfaction that Catesby viewed these proceedings. He considered his victims as running blindly to their own destruction, and argued that

interment of Alice Wellington, a catholic woman, in the church-yard, under pretence that she was excommunicated. Her friends buried her by force: they repelled the civil officers by help of other catholics: their numbers rapidly increased, and the two persecuting prelates were compelled to flee for their lives: the earl of Worcester, a catholic, hastened from court to appease the tumult; and his efforts were aided by messengers from the missionaries, and other catholics in the neighbouring counties. Lodge, iii. 293. Bartoli, 476. See also Garnet's letter, Note (B). Eudemon Joannes, 135.—Dr. Abbot denies the provocation, and gives a different colouring to the riot; but owns that Morgan, one of the leaders, who was sent up a prisoner to London, was discharged by order of the council. Antilogia, 131.

* Wilk. Con. iv. 411. "Our gracious king hitherto forbears to draw blood of the catholiques (this was not exactly true), no civill practises tending to conspiracy or treason having yet appeared either by their doctrine or their dispensations; but whensoever they shall hault in dutie, the king means (as he hath cause) to proceed to justice. In the mean time they pay their two parts more roundly than ever they did in the time of the late queen, not any one as I think being left out, or like to be left out before Michaelmas; and besides like to fall into church censures of excommunication, with the penalties thereunto belonging, which were not felt formerly." Northampton's letter, July, 1605, in Winwood, ii. 96. The length of these quotations must be excused, because it has been pretended that at this period the catholics were not persecuted but favoured.

the more the catholics suffered, the more readily they would join his standard after the explosion. As the time approached, he judged it necessary to add four more to the number of his accomplices. These were Bates, his confidential servant, whom he employed to convey arms and ammunition into Warwickshire; Keyes, an intimate friend, irritated by the forfeiture of his property, and distinguished by his boldness and resolution; Grant, whose house at Norbrook, in Warwickshire, was conveniently situated for the subsequent operations of the conspirators; and Ambrose Rookwood, of Coldham Hall, in Suffolk, who could furnish a stud of valuable horses. Faukes, as his services were not immediately wanted, repaired during the interval to Flanders. He was instructed to procure secretly a supply of military stores; and (which was of still greater importance) to intrigue with the officers of the English regiment in the pay of the archduke. Several of these, bold and needy adventurers, owed their commissions to the influence of Catesby. To them he sent advice that the English catholics, if they could not obtain redress by petition, would seek it by the sword; and he conjured them in that case to hasten to the aid of their brethren, with as many associates as they could procure. The proceedings of Faukes, though conducted with caution, did not entirely escape notice; and Cecil was repeatedly warned from France and Flanders that the exiles had some clandestine enterprise in hand, though the object and names of the conspirators had not been discovered*.

At home Catesby had been indefatigable in the prosecution of his design. But, though he might rely with confidence on the fidelity of his accomplices, he knew not how to elude the scrutinizing eyes of his more intimate friends. They noticed the excited tone of his conversation, his frequent and mysterious absence from home, and his unaccountable delay to join the army in

* Winter's confession, 56. Greenway, 53—56. Winwood, II. 172. Birch's Negotiations, 233. 243. 251. 255.

Flanders. Suspicion was awakened, and Garnet, the provincial or superior of the jesuits, having received some general hint of a conspiracy, seized an opportunity to inculcate at the table of Catesby the obligation of submitting to the pressure of persecution, and of leaving the redress of wrongs to the justice of heaven. Catesby did not restrain his feelings. "It is to you, and such as you," he exclaimed, "that we owe our present calamities. This doctrine of non-resistance makes us slaves. No authority of priest or pontiff can deprive man of his right to repel injustice." This sally converted the suspicion of Garnet into certainty. He resolved to inform his superiors in Rome*; and received in return two letters of similar import, one written in the name of the pope, the other from the general of the order, commanding him to keep aloof from all political intrigue, and to discourage all attempts against the state.

May
8.

June
24.

Catesby, notwithstanding the bold tone which he assumed, could not silence the misgivings of his own conscience; perhaps he feared also the impression, which the authority of the provincial might make on the minds of his associates. He repeatedly sought the company of Garnet, maintained his opinion, that the wrongs of the catholics were such as to justify recourse to open violence; and at last acknowledged that a plot was in agitation, the particulars of which he was ready to entrust to the fidelity of his friend. The jesuit refused to hear a word on that head: and, in the long and earnest altercation which followed, the conspirator founded his vindication on the two breves of Clement VIII. for the exclusion of the Scottish king from the succession. "If," he argued, "it were lawful to prevent James from

* In this letter he says: "All are desperate: diverse catholics are offended with jesuits; they say that jesuits doe impugn and hinder all forcible enterprizes. I dare not informe myself of their affaires, because of prohibition of F. Generall for meddling in such affaires." So far in cipher: he then proceeds in ordinary characters, "and so I can not give you exact accompt. This I knowe by meare chance." Gerard's MS. c. v.

"coming in after his promise of toleration, it could not be wrong to drive him out, after his breach of that promise." To this reasoning Garnet opposed the two letters which he had lately received: but they had no influence on Catesby, who replied that they had been procured by misinformation. In conclusion a sort of compromise was accepted: that a special messenger should be despatched to Rome, with a correct account of the state of the English catholics, and that nothing should be done on the part of the conspirators till an answer had been received from the pontiff. The messenger was accordingly sent, with a request secretly added by Garnet, that the pope would prohibit under censure all recourse to arms. Thus each party sought to overreach the other. Catesby's object was to silence Garnet, and to provide an agent at Rome, whom he might employ as soon as the explosion had taken place. Garnet persuaded himself that he had secured the public tranquillity for a certain period, before the expiration of which he might receive the papal prohibition*.

Faukes, having completed his arrangements in Flanders, returned to England in September; but immediately afterwards it was announced that the parliament would again be prorogued from October to the fifth of November. This disappointment alarmed the conspirators: it was possible that their project had been discovered; and, to ascertain the fact, Winter was

* Sir Edward Coke at the trial gave a different account of this transaction; but he made no attempt to bring forward any proof of his statement. I write from the manuscript relation of Greenway (p. 42) who was present. Eudæmon Joannes asserts the same from the mouths of the persons concerned. *Apologia*, 251. Garnet on his trial explained it in the same manner, and his explanation is fully confirmed by the letter which he wrote to his superior in Rome on July 24, after his last conference with Catesby. See App. note (B). That the messenger was sent at that date, is plain. *Quod et factum est, illumque ad illustrissimum nuntium in Flandriam direxi*. How then are we to account for his saying that the messenger was sir Edmund Baynham, who did not leave England before the latter part of September? I suspect that, to conceal the real messenger, he mentioned Baynham, who was safe on the continent. Garnet, after his arrest, never gave any name of person or place, which could bring others into trouble, but sought to divert the attention of the commissioners by false or fictitious names.

Oct. 3. employed to attend in the parliament house, and to watch the countenances and actions of the commissioners during the ceremony of prorogation. He observed that they betrayed no sign of suspicion or uneasiness; that they walked and conversed in apparent security on the very surface of the volcano prepared for their destruction. Hence it was inferred that they must be still ignorant of its existence*.

It is, however, to these successive postponements that the failure of the plot must be attributed. None of the conspirators, if we except Catesby, were rich. Many of them, for the last twelve months, had depended on his bounty for the support of their families; the military stores had been purchased, and every preparation had been made at his expense. But his resources were now exhausted; and the necessity of having a large sum of money at his disposal against the day of the explosion compelled him to trust his secret to two catholic gentlemen of considerable opulence. The first was a young man of five and twenty, sir Everard Digby, of Gotehurst in Buckinghamshire. At an early age he was left by the death of his father a ward of the crown, and had in consequence been educated in the protestant faith. From the university he repaired to the court, where he attracted the notice of Elizabeth; but the year before her death he turned his back to the bright prospect which opened before him, and retiring to his estates in the country, embraced the religion of his fathers. It was with difficulty that he could be induced to join in the conspiracy. Catesby made use of his accustomed arguments, showed him a passage in a printed book, from which he inferred that the attempt was lawful, and assured him that the fathers of the society had approved of it in general though they knew not the particulars†. By degrees the doubts

* Greenway's MS. p. 60.

† See Digby's letters at the end of the Gunpowder Treason, p. 249. 251. "I saw," he says, "the principal point of the case judged in a Latin book "of M. D. my brother's (Gerard's) father-in-law." p. 249. (Perhaps it should be N. D. the initials under which Parsons, Gerard's superior, had published several works.) Garnet in an intercepted letter, furtively written

and misgivings of the unfortunate young man were silenced: he suffered himself to be persuaded, promised to contribute a sum of 1500*l.*, and undertook to invite, about the time of the opening of parliament, most of his catholic friends to hunt with him on Dunmoor, in Warwickshire.

The second was Francis Tresham, who, on the death of his father in September last, had succeeded to a large property at Rushton, in Northamptonshire. He had formerly been the associate of Catesby and Percy in the attempt of the earl of Essex, had on its failure escaped trial and execution by the judicious distribution of two or three thousand pounds among the queen's favourites; and had since that time borne his share of persecution on account of his religion. His character was fully known. He had nothing of that daring spirit, that invincible fidelity, which alone could have fitted him to be an accomplice in such an enterprise. He was by nature cold and reserved—selfish and changeable. But his pecuniary resources offered a temptation not to be resisted; and the conspirators, having administered the usual oath, confided to him their secret, and extorted from him a promise of aiding them with 2000*l.* But from that moment Catesby began to feel apprehensions, to which he had hitherto been a stranger. His mind was harassed with doubts of the fidelity of his new colleague; and his rest was broken by dreams of the most fearful and ominous import*.

Oct.
15.

At this time their plan of operations was finally arranged. 1°. A list was made of all the peers and commoners whom it was thought desirable to save on ac-

to a friend from the Tower, says: "Master Catesby did me much wrong. He told them (his accomplices) that he asked me a question in Q. Elizabeth's time of the powder action, and that I said it was lawful: all which is most untrue. He did it to draw in others." Original in the state paper office.

* Winter's Confession, 56. Greenway's MS. 57, 58. Besides the money promised by these gentlemen, Percy engaged to advance the earl of Northumberland's rents, about 4000*l.* Winter's Confession, 56.

count of their religion, or of their previous opposition to the penal enactments, or of the favour which they had hitherto shown to the catholics. It was resolved that each of these, if he were in London, should receive on the very morning a most urgent message, which might withdraw him to a distance from Westminster, and at so late an hour that the artifice should not be discovered till the blow had been struck*.

2°. To Guy Faukes was allotted the desperate office of firing the mine. A ship in the river had been provided at the expense of Tresham, to convey him immediately to Flanders, where he was instructed to publish a manifesto in defence of the act, and to despatch letters invoking the aid of all the catholic powers. It was also hoped that, in consequence of his previous purchases, he would be able to send back by the same vessel a valuable supply of ammunition and volunteers.

3°. To Percy, as one of the gentlemen pensioners, it would be easy to enter the palace without exciting suspicion. His task was to obtain possession of the young prince Charles, to take him under pretext of greater security to a carriage in waiting, and thence to conduct him to the general rendezvous of the conspirators.

4°. That rendezvous was Dunchurch; whence Digby, Tresham, Grant, and their associates, were to proceed to the house of lord Harrington, and to possess themselves of the infant princess Elizabeth.

5°. Catesby undertook to proclaim the heir apparent at Charing-cross: and, on his arrival in Warwickshire, to issue a declaration, abolishing the three great national grievances of monopolies, purveyance, and wardships.

6°. It was agreed that a protector (his name was never

* Greenway, 39. Winter's Confession, 54. "Divers were to have been brought out of danger, which now would rather hurt them than otherwise. I do not think there would have been three worth saving that should have been lost. You may guess that I had some friends that were in danger which I prevented; but they shall never know it." Digby's letter to his wife, at the end of the Gunpowder Treason, p. 251.

suffered to transpire) should be appointed, to exercise the royal authority during the nonage of the new sovereign.

But what, the reader will ask, was to follow from the execution of this plan? Could twelve private individuals, without rank or influence, and stained as they would be, with the blood of so many illustrious victims, rationally expect to control the feelings of an exasperated people, to establish a regency, to procure a parliament devoted to their purposes, and to overturn that religious establishment which had now existed half a century? To a sober reasoner the object would have appeared visionary and unattainable: but *their* passions were inflamed—their imaginations excited: revenge, interest, enthusiasm urged them forward; they smiled at the most appalling obstacles, and in defiance of all probability, persuaded themselves that the presence of the royal infants would give a sanction to their cause; that many protestants, and most catholics, that disbanded officers and military adventurers, that all to whom a revolution offered the prospect of wealth and honour, would hasten to their standard; and that of their enemies the most formidable would have perished in the explosion—the rest, overwhelmed with terror and uncertainty, would rather seek to escape notice, than to provoke destruction by acts of hostility*.

Garnet, ignorant of these proceedings, still cherished a hope that by his conference with Catesby he had induced that conspirator to suspend, if not to abandon, his criminal intention†. He was quickly undeceived. Catesby, whatever he might pretend to his associates, still felt occasional misgivings of conscience, and on that account resolved to open the whole matter in confession to Greenway. That jesuit, if we may believe his solemn

* Digby's letters, 249, 250. Greenway's MS. 58, 59.

† Thus as late as the 28th of August, he wrote to Persons: "For any thing we can see, catholics are quiet, and likely to continew their olde patience, and to truate to the kyng and his sone for to rimidie al in tyme" Gerard, 46. He repeatedly asserted the same at his trial.

* See note (C).

Oct.
22.

asseveration, condemned the design in the most pointed terms. But Catesby was not to be convinced : to every objection he had prepared an answer ; and in conclusion he solicited Greenway to procure the opinion of his provincial, under the secrecy of confession. With this view the jesuit applied to Garnet, and received in return a severe reprimand. He had done wrong to entertain any mention of so dangerous a project ; he had done worse in imparting it to another. Nothing now remained but to divert the conspirator from his sanguinary purpose. Let him therefore employ every argument, every expedient in his power : but at the same time, let him be careful to keep the present conversation secret from every man living, even from Catesby himself*.

This communication, however, plunged the unfortunate provincial into the deepest anxiety. Against his will, and in defiance of the precautions which he had taken, he was become privy to the particulars of the plot ; and that plot he found to exceed in atrocity whatever the most fearful mind could have anticipated. The explosion, with its consequences, perpetually presented itself to his imagination ; it disabled him from performing his missionary duties by day—it haunted his slumbers by night. In this distressing state of mind he left Harrowden, the seat of lord Vaux, where it is probable that he had received the information, and proceeded to Coughton, where his presence was expected by several catholic families, to celebrate the festival of All Saints. Catesby had engaged to be of the party. But he never came : he was detained by an unforeseen occurrence in the neighbourhood of the metropolis†.

With Faukes in his company Catesby had gone to White Webbs, a house near Enfield chase ; where, while he was engaged in consultation with Winter, he received an unexpected visit from Tresham. There was

* I take these particulars from Greenway, who asserts their truth, "on his salvation," MS. 109, and from his oral account to Eudæmon Joannes, *Apologia*, 259, 260. 290.

† See note (D).

an embarrassment in the manner of this new associate, a visible effort at concealment, which alarmed his two friends. He pleaded most earnestly that warning of the danger should be given to lord Mounteagle, who had married his sister. In addition he suggested a further delay. He could not, he said, furnish money, unless he were allowed time to accomplish certain sales to the amount of £16,000: but the explosion might take place with as much effect at the close as at the opening of parliament; and the conspirators for greater security might make use of his ship, which lay in the Thames, and spend the interval in Flanders, where he would supply them with money for their subsistence. The proposal confirmed the suspicions of Catesby: but he deemed it prudent to dissemble, and, after some objections, pretended to acquiesce. Whether Tresham was deceived by him or not, is uncertain; his real object was, if we may believe himself, to break up the conspiracy without revealing the names of his associates*.

In the course of a few days, lord Mounteagle ordered a supper to be prepared, not at his residence in town, but at a house belonging to him at a short distance from London—a circumstance so unusual, that it excited much surprise in his family†. While he sat at table a Oct. letter was delivered to him by one of his pages, who had 26. received it from a tall man, whose features he did not recognise in the dark. Mounteagle opened the letter,

* The date of this interview is uncertain. It must have happened between the 14th and the 26th of October. I have obtained the particulars from Greenway's MS. 67, who writes on the authority of Catesby, from the sixth examination of Faukes on the 16th, and from that of Tresham on the 13th of November. The latter declares that his real object was to put an end to the plot. "This was the only way that I could resolve on to overthrow the action, to save their lives, and to preserve my own fortunes, lyffe, and reputation." Both examinations are in the State Paper Office.

† Mr. Jardine has shown that lord Mounteagle had been engaged in the Spanish treason, that he had written to Rome by Baynham, and, that he was probably acquainted with the existence of a plot; but he had lately obtained the confidence of the king and council, and was one of the royal commissioners at the late prorogation of parliament. Much ingenuity was employed at the trial of the conspirators to prevent his name from being called in question. Jardine, 67. 70.

and seeing that it was without date or signature, and written in a disguised hand, ordered Thomas Ward, a gentleman in his service, to read it aloud. It was as follows:—

“my lord out of the love i heave to some of your
“friends i have a caer of your preservacion therefor i
“would advyse youe as youe tender your lyf to devyse
“some excuse to shift of your attendance at this par-
“leament for god and man hath concurred to punishe
“the wickednes of this tyme and thinke not slightlye of
“this advertisment but retyere youre self into youre
“contri wheare youe may expect the event in safti for
“thowghe theare be no apparance of anni stir yet i saye
“they shall receyve a terribel blowe this parleament
“and yet they shall not seie who hurts them this
“cowncel is not to be contemned because it may do youe
“good and can do youe no harme for the danger is
“passed as soon as youe have burnt the letter and i hope
“god will give youe the grace to mak good use of it to
“whose holy protection i comend youe *.”

The following evening the very individual who had been requested to read the letter, called on Thomas
Oct. Winter, one of the conspirators. He related to him
27. the occurrence of the preceding evening; added that

* *Archæologia*, xii. 200. It may be asked, who was the writer of this letter? Instead of enumerating the different conjectures of others, I will relate what seems, from Greenway's manuscript, to have been the opinion of the conspirators themselves. They attributed it to Tresham, and suspected a secret understanding between him and lord Mounteagle;—and that such understanding existed between the writer and lord Mounteagle can be doubted by no one, who attends to the particulars.—They were convinced that Tresham had no sooner given his consent, than he repented of it, and sought to break up the plot without betraying his associates. His first expedient was to persuade them to retire to Flanders in the ship which he had hired in the river. He next wrote the letter: and took care to inform them on the following evening, that it had been carried to the secretary, in hope that the danger of discovery would induce them to make use of the opportunity of escape. In this he would undoubtedly have succeeded, had not his cunning been defeated by the superior cunning of Cecil, who allowed no search to be made in the cellar. From that moment Tresham avoided all participation in their counsels; and when they fled, he remained in London, showing himself openly, and even offered in person his services to the council. He was not apprehended till the 12th of November; nor sent to the Tower till the 15th. On the 23rd of December he died: nor will the reader be surprised that a death so unexpected, but opportune, should be attributed by his friends to poison.

his lord had laid the mysterious paper before the secretary of state ; and ended by conjuring him, if he were a party to the supposed plot, to provide for his safety by immediate flight. It was a trying moment to Winter : he endeavoured to master his feelings, assumed a tone of levity, and ridiculed the affair as a hoax on the credulity of lord Mounteagle. But early in the morning he Oct. hastened to White Webbs and communicated the 28. alarming intelligence to his colleague. Catesby, however, was unwilling to despair. He agreed with Winter that Tresham was the writer of the letter. But had he done anything more ? Had he revealed the particulars of the plot, or the names of the conspirators ? Till that were ascertained, he would hope for the best, and continue to defy the policy and the conjectures of the secretary.

Three days later, in consequence of a most urgent message, Tresham ventured to meet Catesby and Winter in Enfield chase. Their resolve was fixed : had he 30. faltered or changed countenance, that moment would have been his last. But he repelled the charge of perfidy with spirit ; and maintained his innocence with so many oaths and protestations, that they hesitated to take his life on no better ground than bare suspicion.

On their return they despatched Faukes to examine the cellar. He found every secret mark as he had left it. It was plain that no search had yet been made, and hence it was inferred that no information of the mine had been given. They now for the first time imparted to him the intelligence. He complained of their previous silence as arguing a distrust of his courage ; and, to prove that he felt no apprehensions, engaged to revisit the cellar once every day till the fifth of November*.

The king, who had been hunting at Royston, at last 31.

* I am indebted for all these particulars to the narration of Greenway, p. 63, who learned them from the conspirators themselves, whom he visited on the sixth of November. See also Winter's Confession, 57, 58

returned. The next day the letter was laid before him. He perused it repeatedly, and spent two hours in consultation with his ministers*. This information, but nothing more, was conveyed to Winter by the same attendant on lord Mounteagle. Winter sought a second interview with Tresham at his house in Lincoln's Inn walks, and returned to Catesby with the following answer; that the existence of the mine had been communicated to the ministers. This Tresham said he knew; but by whom the discovery had been made, he knew not. A council of the conspirators was held. Some proposed to flee immediately to Flanders—others refused to give credit to Tresham. They oscillated from one opinion to another, and finally determined to await the arrival of Percy.

N^{ov.}
2,

3. Percy exerted all his powers to confirm the resolution of his associates. He reminded them of the pains which they had taken, of the difficulties which they had overcome. They were now on the point of reaping the fruit of their labour: would they forfeit it on a mere conjecture—on the credit of a recreant colleague, who, to extricate himself from danger, had probably feigned that which he only feared? Let them wait at least one day longer, and then come to a final resolution. His arguments or his authority prevailed. But a change was made in their former arrangements. Faukes undertook to keep guard within the cellar; Percy and Winter to superintend the operations in London; Catesby and

* James, in his speech to the parliament on November 9, (*Lords' Journals*, ii. 358) and in his own works, published by bishop Montague, takes to himself the merit of being the first to discover the true meaning of the letter to lord Mounteagle, (see *Howell*, ii. 198) and his flatterers attributed it to a certain "divine illumination." (*Coke, Gunpowder Treason*, 118): the parliament to "a miraculous discovery, through the divine spirit imparted to him by God" (*Stat. iv.* 1067); but the contrary is evident from the circular of the earl of Salisbury. "We (the earls of Salisbury and Suffolk) both conceived that it could not by any other way be like to be attempted than with powder, while the king was sitting in that assembly; of which the lord chamberlain conceived more probability because there was a great vault under the said chamber we all thought fit to forbear to impart it to the king until some three or four days before the sessions." *Winwood*, ii. 171.

John Wright departed the next day for the general rendezvous in Warwickshire*.

Towards evening the lord chamberlain, whose duty it was to ascertain that the necessary preparations had been made for the opening of the session, visited the parliament house, and in company with lord Mounteagle entered the cellar. Casting around an apparently careless glance, he inquired by whom it was occupied; and then fixing his eye upon Faukes, who was present under the designation of Percy's servant, observed that his master had laid in an abundant provision of fuel. This warning was lost on the determined mind of the conspirator. Though he saw and heard all that passed, he was so fixed on his ruthless purpose, that he resolved to remain to the last moment; and having acquainted Percy with the circumstance, returned to his post, with a determination on the first appearance of danger to fire the mine, and perish in the company of his enemies.

A little after midnight (the reader will observe that it was now the fifth of November, the day appointed for Nov. the commencement of the session,) Faukes had occasion 5. to open the door of the vault; and at the very moment was seized by sir Thomas Knevett and a party of soldiers. He was dressed and booted as for a journey—three matches were found in his pockets—and in a corner behind the door was concealed a dark lantern containing a light. The search immediately began; and, on the removal of the fuel, were discovered two hogsheads and above thirty barrels of gunpowder †.

By four o'clock the king and council had assembled to interrogate the prisoner. Faukes stood before them collected and undaunted: his replies, though delivered in respectful language, gave no clue to the discovery of his associates. His name, he said, was Johnson—his master, Percy; whether he had or had not accomplices, should never be known from him; his object was to destroy

* Greenway, 64. Winter's Confession, 56.

† Winwood, ii. 171, 172. Gunpowder Treason, 32—37.

the parliament, as the sole means of putting an end to religious persecution. More than this he refused to disclose, though he was repeatedly examined in the presence of the king. During the intervals, he bore without shrinking the inquisitive gaze of the courtiers; and answered all their questions in a tone of sarcasm and defiance. A Scottish nobleman asked him for what end he had collected so many barrels of gunpowder? "To blow the Scottish beggars back to their native mountains," was the reply. James pronounced him the English *Scaevola*.*

In the Tower, though orders were given that he should be racked to extremity, his resolution was not to be subdued; nor did he consent to make any disclosure till his associates had announced themselves by appearing in arms†. They, the moment they heard of his apprehension, had mounted their horses, and on the same evening reached the hunting party at Dunchurch. There was something mysterious in their sudden arrival, in their dejected appearance, and in their long and serious consultation with sir Everard Digby. Before midnight a whisper of disappointed treason was circulated; the guests gradually took their leave—and three only remained to share the desperate fate of their friends. The seizure of the princess Elizabeth was no longer an object: they traversed in haste the counties of Warwick 6, 7, and Worcester, to Holbeach, the residence of Stephen Littleton, one of their new associates. On their road they took by force arms and horses from two individuals: but to their dismay every catholic, from whom they solicited aid on the road, shut his doors against them; and the sheriffs of each county followed, though at a respectful

* James's Works, apud Howell, ii. 201. Birch's Negotiations, p. 239.

† "The gentler tortures are to be first used unto him, et sic per gradus ad ima tendatur." James's Instructions, Nov. 6, in the State Paper Office. See in Mr. Jardine's Criminal Trials (p. 17, 18) two fac-similes of his signature, the first, in a good bold hand, before torture, the second after torture, exhibiting the word 'Guido' in an almost illegible scrawl, and two ill-formed strokes in place of his surname. He appears to have been unable to hold the pen any longer.

distance, with an armed force *. At Holbeach house they resolved to turn on their pursuers. Though they could not muster, with the addition of their servants, more than fifty, perhaps forty, men, yet well horsed and well armed they believed themselves a match for the tumultuary host of their adversaries; and a victory in such circumstances would probably add to their numbers,—would certainly allow time to provide for their safety. But on the fourth morning after the discovery Nov 8. of the plot, during their preparation for battle, a spark of fire accidentally fell among the powder, which they had spread out to dry. Catesby and some of his accomplices were severely burnt; and the majority of their followers took advantage of the confusion to make their escape. Within an hour the house was surrounded. To a summons from the sheriff was returned a haughty defiance; not that the inmates cherished the hope of saving their lives, but they sought to avoid the knife of the executioner by provoking the hostility of their pursuers. With this view Catesby, Percy, and the two Wrights, armed with their swords only, exposed themselves in the court to the shot of their assailants, and were all mortally wounded. Thomas Winter, who had accompanied them, retreated into the house; where, with Rookwood, Grant, and Keyes, who had suffered from the explosion, he was after some resistance made prisoner. Digby, with two of his servants, burst through his opponents, but was pursued to a wood near Dudley, where he was surrounded and taken. Robert Winter and Littleton had effected their escape at a more early hour: but, after a long succession of most dangerous adventures, were at last betrayed by a servant of Mrs. Littleton, a widow, in whose house, at Hagley, they had been secreted without her knowledge, by her cousin Humphrey Littleton.

* Greenway, 70. They took this route in expectation that Mr. Talbot would join them, in which case they had no doubt of beating their pursuers, or of bringing them to terms. But Talbot refused to see them, or to receive any message from them. Digby's letters, 250.

- More than two months intervened between the apprehension and the trial of the conspirators. The ministers had persuaded themselves, or wished to persuade others, that the jesuit missionaries were deeply implicated in the plot. On this account the prisoners were subjected to repeated examinations; every artifice which ingenuity could devise, both promises and threats, the sight of the rack, and occasionally the infliction of torture, were employed, to draw from them some avowal which might furnish a ground for the charge; and in a proclamation issued for the apprehension of Gerard, Garnet, and Greenway, it was said "to be plain and evident from the examinations that all three had been peculiarly practisers in the plot, and therefore no less pernicious than the actors and counsellors of the treason *."
27. At length the eight prisoners were arraigned. They all pleaded not guilty; not, they wished it to be observed, because they denied their participation in the conspiracy, but because the indictment contained much to which till that day they had been strangers. It was false that the three jesuits had been the authors of the conspiracy, or had ever held consultations with them on the subject: as far as had come to their knowledge, all three were innocent. With respect to themselves they had certainly entertained the design laid to their charge: but whatever men might think of the fact, they would maintain that their intention was innocent before God. Some of them had already lost most of their property—all had suffered severely on account of their religion. The king had broken his promise of toleration, and the malice of their enemies daily aggravated their burthens. No means of liberation was left but that which they had adopted. Their only object was to relieve themselves and their brethren from the cruelty of the persecutors, and to restore a worship which in their consciences they believed to be the true worship of Christ; and for this

* Rymer, xvi. 639.

they had risked, and for this they were ready to sacrifice, their fortunes and lives. In reply the earls of Salisbury and Northampton strongly asserted that the king had not broken his faith; and that the promises on which the catholics relied had been the fictions of designing men in their own body. The prisoners received judgment, and suffered the punishment of traitors, having on Jan. the scaffold repeated the same sentiments which they 30. had before uttered at their trials*.

Of the three jesuits mentioned in the proclamation, Gerard and Greenway, after many adventures, escaped to the continent. Garnet, having previously sent to the council a protestation of his innocence, secreted himself at Hendlip, near Worcester, in the house of Thomas Abingdon, who had married the sister of lord Mounteagle. The place of his concealment was known to Humphrey Littleton, who had not yet been brought to trial; and the hope of saving his own life induced him to communicate the intelligence to the council. Sir Henry Bromley, a neighbouring magistrate, received a commission to proceed to Hendlip with an armed force. Mrs. Abingdon, in the absence of her husband, delivered to him her keys with an air of cheerfulness: every apartment was rigorously and repeatedly searched, and guards were stationed by day and night in each passage, and at all the outlets. Thus three days passed, and no 20. discovery was made: but on the fourth two strange men 23. suddenly appeared in a gallery, and were instantly apprehended. They proved to be Owen, the servant of Garnet, and Chambers, the servant of Oldcorne, another jesuit, whom hunger had compelled to leave their hiding place. This success stimulated the efforts of the pursuivants. The search proceeded; nine other secret chambers were discovered; and on the eighth day an 28. opening was found into that in which the two priests lay

* See "A true and perfect relation of the whole proceedings, 1606," also Harleian Miscellany, iii. 127. Gerard in his M.S. account (107-121) frequently contradicts this writer. So does Stowe's Chronicle, 881.

Feb. concealed. All four, with the master of the house, who
 12. nad returned during the interval, were conducted to
 14. London, and committed to the Tower*.

A bill to attain the conspirators who died at Hol-
 Feb. beach, or had already been convicted, was brought

1. into the house of lords; but into it were introduced, in imitation of the odious practice during the reign of Henry VIII., the names of several individuals, some of whom had not yet been apprehended—none had been
3. arraigned. The lords hesitated: they required to be put in possession of the evidence against the latter; and,
8. when they had heard the attorney-general, resolved not to proceed with the bill till more satisfactory information could be procured†. Day after day the commissioners proceeded to the Tower. They interrogated the prisoners; they placed the two servants on the rack; they threatened Garnet with torture, and received for answer, *minare ista pueris*. Nothing of importance could be elicited, when the jesuit, though on his guard against

* Gerard, 87—89. Greenway, 95—97. "A true discovery of the service performed at Hendlip," in the appendix to the second volume of Mr. Butler's *Memoirs of British Catholics*, third edition, p. 442. The opening was from an upper room through the fire-place. The wooden border of the hearth was made to take up and put down like a trap-door, and the bricks were taken out and replaced in their courses whenever it was used. Fowles, 608. Mr. Hallam mentions "the damning circumstance against Garnet, that he was taken at Hendlip in concealment along with the other conspirators." Const. Hist. i. 554. This must be an unintentional mistake. His only companion was Oldcorne, Abingdon's chaplain, and not one of the conspirators.

† This account is given both by Gerard and Greenway, and it is supported by the journals. The bill was read the first time on February 1; the attorney-general was ordered to attend with his proofs on February 3. He obeyed, and on the 8th the earl of Northampton, in the name of the committee, moved that, "as upon the examination of the jesuits and seminaries named in the bill, some more particular discovery might be made of the said treason, therefore stay might be made of any further proceeding on that bill till the said examination might be taken." Journals, 366, 367, 370. At Garnet's trial Coke noticed this circumstance, and in reply to the inference drawn from it observed that the bill was introduced before the apprehension of the jesuit, and that his majesty would not let it proceed till the trial had taken place by just course of law. *Gunpowder Treason*, 148, 149. Yet both parts of this reply are contradicted by the journals: for the bill was introduced Feb. 1, three days after the apprehension of Garnet, and the reason given for the delay was that which I have copied above.

resist this additional evidence ; and, overwhelmed and abashed, he acknowledged the fact.

Still nothing had transpired to connect him immediately with the conspirators. But aware of the injury which he had done to himself by the obstinacy of his denial, and under his expectation of being summoned every moment to the rack, he deemed it prudent to act with more candour. Examination followed examination : from one admission he was artfully led on to another of greater importance ; and at last he acknowledged that he knew of Catesby being engaged in some practice against the state, and had repeatedly warned him to desist ; and that subsequently he understood from Greenway the real object of the plot, but could not conscientiously reveal it, because it had been communicated to him under the seal of confession *.

Thus after an interval of two months was laid a ground for the trial of the prisoner. The interest which it excited appeared from the crowd of spectators assembled in the court, among whom were the king himself, all the foreign ambassadors, and most of the members of parliament. Sir Edward Coke, the attorney-general, spoke for some hours. He detailed all the plots, real or imaginary, which had ever been attributed to the catholics since the accession of queen Elizabeth ; he declaimed against the jesuitical doctrine of equivocation, and the temporal pretensions of the pontiffs ; he described the missionaries in general, and the jesuits in particular, as leagued in an impious conspiracy to destroy the king, and the leaders of the protestant interest. But when he descended to the real merits of the indictment, he soon betrayed the poverty of his case. Not a word was said of the confessions, or the witnesses, or the dying declarations, by which he had engaged to prove that Garnet had been the original framer of the plot, and the confidential adviser of the conspirators. This part

* Jardine, 295.

of the charge was seen to rest on his bare assertion, supported only by a few unimportant facts susceptible of a very different interpretation. Garnet replied with temper and firmness : but was so often interrupted by questions and remarks from the attorney-general and the commissioners on the bench, that the king himself declared they had not given him fair play. He acknowledged that he had heard of the plot in confession ; but among catholics the secrecy of confession was inviolable. Were it otherwise, no one would disclose his intended crimes to him, who of all men was most likely, by his advice and authority, to divert the sinner from the guilt which he meditated. As for himself he abhorred the plot as much as the most loyal of his prosecutors ; and had done to prevent it whatever in his conscience he could persuade himself that it was lawful for him to do. The attorney-general had indeed attempted to prove in him a traitorous intention from several circumstances : but these he could show proceeded from very different motives, and ought to lead to an opposite conclusion. The jury were not to judge from conjectures and presumptions ; what he had asserted was the whole truth : nor had the prosecutor attempted to bring forward any direct evidence to the contrary.—Though a verdict of guilty was returned, his friends professed themselves satisfied with the proceedings. All that had been proved against him was that he had not betrayed the secret confided to him in confession. The boast of Coke that he would show him to have been the author and adviser of the plot had failed ; and Cecil himself had confessed, that nothing more had been produced against him than had been disclosed by his conference with Oldcorne. Under such circumstances, they asserted that if he were to suffer, he would suffer, not for treason, but for the conscientious discharge of his duty*.

* There are several accounts of this celebrated trial. That published by authority, under the title of "a true and perfect relation of the whole proceedings," has been reprinted in the *State Trials*, ii. 217 ; but from the

From these proceedings it is plain that Garnet had incurred the legal guilt of misprision of treason : but that he had committed any overt act of treason, was not proved, nor attempted to be proved, by evidence either written or oral *. For some unknown reason, perhaps the king's uncertainty as to the real nature of his guilt, or the royal unwillingness to offend the foreign powers that interceded for him, more than two months was permitted to elapse between his condemnation and execution : a long and anxious interval, which, however, he was not suffered to spend in peaceful preparation for the fate which awaited him. He had been examined three and twenty times before his trial : after trial the examinations were resumed. To draw new avowals from him, he was falsely informed that Greenway, whom he believed to have escaped to the continent, was in fact a fellow-prisoner in the Tywer ; and that five hundred catholics, shocked at his connexion with the plot, had conformed to the established church. Under these impressions he was induced to write in his own vindication letters to Mrs. Anne Vaux, who was actually, and to Greenway whom he supposed to be, in the Tower : which letters of course found their way into the hands of the lieutenant. These, however, fortunately for the writer, had been so cautiously worded as to supply no fresh matter of charge against him. At the same time he wrote to the king, protesting in strong terms his abhorrence of " the powder action " as sinful and most horrible ; declaring that he had always been of opinion that

Mar. 31.

April

3

4.

partiality with which it evidently mutilates the answers and defence of Garnet, it should be compared with the relations published by his friends, which may be seen in Bartoli, 546, More, 316, and in Mr. Butler's Memoirs, ii. 124. Gerard in his MS. narrative, p. 137, remarks that the jury, when they returned their verdict, confined it to the guilt of having concealed the knowledge which he had received of the conspiracy. See note (D).

* His examinations were so garbled and intermixed at the trial, that an incautious reader might infer from them, that he had repeatedly conferred with Catesby about the gunpowder plot. That was not the case. He merely advised Catesby to desist from any treasonable practice, in which he might be engaged.

it was unlawful to attempt violence against the king or state since his majesty's accession; and also acknowledging that it was his bounden duty to disclose every treason which might come to his knowledge out of the sacrament of confession. It was in this last point that he had offended. Partly through reluctance to betray his friend, partly with the hope of being able to reclaim him, he did not reveal the *general* knowledge which he had from Catesby of his intention; and for that offence he humbly sought forgiveness from his sovereign*.

The reader will observe that, under allusion to "the sacrament of confession" Garnet sought to cover his concealment of the disclosure made to him by Greenway. He was immediately called before the commissioners, and falsely given to understand that, according to the statement of Greenway himself, the communication was not made to him in confession†. This added to his perplexity. He wavered, made several attempts to reconcile his own with the supposed statement of Greenway, and concluded by declaring that, whatever might have been the intention of his brother, he had always considered the communication as made with reference to confession‡.

Then, for the first time, three weeks after his letter to Greenway had been intercepted, he was examined whether he had not corresponded with that traitor. He denied on his priesthood that he had ever sent letter or message to him, since they parted at Coughton. The commissioners exhibited to him the intercepted letter. He acknowledged it: but maintained that he had done nothing wrong. *They* were the persons to be blamed; they, who, being in possession of the letter, had nevertheless put the question to him, as if they were not. In this instance, as in several others since his imprisonment, he had acted on the principle, that no man is

* See it in Jardine, 322.

† This is plain from the drift of his answers.

‡ Torturi Torti, 425. Antilogia, 140. Casaubon ad Front, 132.

bound to betray himself; whence he ingeniously inferred that, where the acknowledgment of a fact might endanger his life, it was lawful to deny it with the aid of equivocation, till it should be proved against him by direct evidence*.

Three days later he was interrogated a second time April respecting the doctrine of equivocation, and boldly declared, that the practice of requiring men to accuse themselves was barbarous and unjust; that in all such cases it was lawful to employ equivocation, and to confirm, if it were necessary, that equivocation with an oath; and that if Tresham, as had been pretended, had equivocated on his death-bed, he might have had reasons which would justify him in the sight of God†. To these and similar avowals I ascribe his execution. By seeking shelter under equivocation, he had deprived himself of the protection which the truth might have afforded him; nor could he in such circumstances reasonably complain, if the king refused credit to his asseverations of innocence, and permitted the law to take its course‡. Six weeks after his trial the fatal warrant was signed. On the scaffold, according to the ambiguous language of the official account, he confessed his guilt; but if we may credit the letters of spectators, he

* Examinations in the State Paper Office.

† "This I acknowledge to be according to my opinion and the opinion of the schoolmen. And our reason is, for that, in cases of lawful equivocation, the speech by equivocation being saved from a lye, the same speech may be without perjury confirmed by oath, or by any other usual way, though it were by receiving the sacrament, if just necessity so require.—Henry Garnet." Original in the State Paper Office in Garnet's own hand-writing.

‡ It should, however, be observed that Garnet's enemies, in their attempt to convict him, paid as little respect to truth, as the prisoner himself in his efforts to justify or excuse his conduct. The reader is acquainted with the falsehoods which were told to him respecting Greenway, to draw concessions from him: but what was still worse, at the trial his admissions were presented to the jury stripped of those qualifications with which he had clothed them, and with which they spoke more in his favour than against him. "This was a forgery of evidence. For when a qualified statement is made, the suppression of the qualification is no less a forgery, than if the whole statement had been fabricated." Jardine, 358. Certainly, if we condemn Garnet for the use of equivocation to save his life, we cannot excuse those who employed falsehood and forgery to take it from him.

denied all knowledge of the plot, except by confession; and though he begged pardon of the king, he was careful to add that it was not for any participation in the treason, but for the legal offence of having concealed the general knowledge which he had acquired of some practice against the state designed by Catesby. His pious and constant demeanour excited the sympathy of the crowd; their vociferations checked the impatience of the executioner, and the cruel operation of quartering was deferred till he was fully dead*.

Though James was satisfied that the great body of the English catholics had been kept in ignorance of the plot, he still believed that all its ramifications had not yet been discovered. There could be no doubt that Faukes had admitted associates in Flanders, and suspicion attached to Owen, a Welch catholic, and to Baldwin, a jesuit, who were both saved from prosecution by the obstinate refusal of the archduke and the king of Spain to deliver them into the hands of the English ambassador†. At home, the domestic relation between the earl of Northumberland and the traitor Percy was deemed a sufficient reason to place the former under restraint in the house of the archbishop of Canterbury; and the confession of the conspirators that Catesby wished to save the viscount Montague, and knew the intention of the lords Mordaunt and Stourton to be absent from parliament, led to the arrest of these three noblemen‡. It was in vain that they protested their

Nov.
8.

* It was reported generally that he had confessed his guilt, (*Gunpowder Treason*, Boderie, i. 49,) but that confession was confined to his concealment of his suspicions. More, 327. Butler's *Memoirs*, iii. 242, second edition. Chaloner, ii. 483. Eudæmon Joan, 349.

† Owen was servant to the king of Spain, who demanded the proofs of his guilt to be sent to Brussels, and promised to punish him if he were guilty. This was refused. Baldwin was apprehended in 1610 by the elector palatine, as he was passing through his dominions, and was sent to England. He underwent many examinations in the Tower, at the last of which the king assisted, but nothing was discovered to prove him guilty. Winwood, ii. 183. 187—189. 227. 232. iii. 211. 407. Bartoli, 517.

‡ Faukes confessed that "Catesby told him lord Mordaunt would not be there the first day, because he would not be present at the sermon; for as yet the king did not know he was a catholique, and that the lord

ignorance of the treason; they were condemned in the star-chamber to suffer imprisonment during the royal pleasure, and to pay fines to the king, the lord Stourton June in six thousand, the lord Mordaunt in ten thousand ¹. pounds, and the viscount Montague in a still larger sum*. The earl was committed to the Tower, and repeatedly examined; but he answered from the beginning with an air of scorn and confidence, pointing out the method of discovering his guilt, if he were guilty†, and braving his accusers to bring him to a public trial by due course of law. They preferred to arraign him, 6. after a delay of seven months, in the star-chamber, on the following extraordinary charges:—1°. That he had sought to be the head of the papists, and to procure toleration; 2°. that he had admitted Percy to be a gentleman pensioner, without exacting from him the oath

"Stourton's occasions were such he could not come to town before the "Friday after." Original MS. in the State Paper Office. There are in the same collection two letters from lord Montague to the lord treasurer, declaring his innocence, and denying that he had any warning of the plot. Cecil, in a letter to sir Thomas Edmonds, says, that Percy wished to save Northumberland and Mountague, and that Catesby knew Stourton, Mordaunt, and Montague, would be absent. Birch, 244.

* It was customary to compound for fines in the star-chamber. Northumberland compounded for 11,000*l.*, Montague for 4000*l.*, Stourton for 1000*l.* I suspect Mordaunt's fine was entirely remitted. See "the Abstract of his Majesty's Revenue," p. 11.

† He required them to take the deposition of Percy before he died of his wounds. "He can shew me clear as the day, or dark as the night. He will tell the truth, being about to render his account to God." Letter in the State Paper Office. See also *Les Ambassades de Boderie*, i. 122. 180. 229. *Collins' Peerage*, ii. 426. His examinations are in the State Paper Office, but contain nothing of consequence. In the Tower he applied himself entirely to scientific and literary pursuits, and by his liberality to men of learning, became the *Mecænas* of the age. From the number of mathematicians who were generally in his company, and ate at his table, he acquired the name of Henry the wizard. Among them were Hill, Allen, Harriot, Dee, Torperley, and Warner, "the Atlantes of the mathematical world," most of whom enjoyed annuities from his bounty. (*Collins*, ii. 438.) In the year 1611, Cecil conceived that he had discovered new matter against him, from the testimony of a dismissed servant. He was again subjected to examination, and again foiled the ingenuity or malice of his persecutor. (*Winwood*, ii. 287, 288.) In 1617, the king's favourite, Hay, afterwards earl of Carlisle, married his daughter Lucy against his will, which irritated him so, that when his son-in-law obtained from James an order for his liberation, it was with difficulty that he could be induced to accept of the favour, after an imprisonment of thirteen years. See Birch, 246. *Sydney Papers*, ii. 350.

of supremacy ; 3°. that after his restraint he had written two letters to his servants in the north, requesting them to take care that Percy did not carry off his money and rents ; and in this had committed a threefold offence,—1°. in presuming to write letters without leave ; 2°. in preferring the safety of his money to the safety of the king ; 3°. in giving warning to Percy to take care of his own person. He was adjudged to pay a fine of 300,000*l.*, to be deprived of all his offices, to be held incapable of any for the future, and to remain a prisoner during life in the Tower. So severe a punishment excited surprise : but the reasons were, that he had long been the political antagonist of Cecil ; that in the Tower he had displayed a spirit which alarmed the weak mind of James, and that he was supposed to be the individual to whom, had the plot succeeded, the conspirators would have offered the dignity of protector during the minority of the next sovereign. Lord Mounteagle received, in reward of his loyalty, lands to the yearly value of 200*l.*, and an annuity of 500*l.* for life*.

Jan.
21.

The chief object for which the parliament had been summoned to meet in November was to supply the royal coffers, which James had emptied by profuse donations to his countrymen, and by the extravagance of his establishment. After a long adjournment, occasioned by the discovery of the gunpowder plot, the two houses assembled. The lords appeared as usual to have no other wish than to gratify the sovereign ; but the commons resumed that bold tone of expostulation and resistance which had given so much offence in the last session. They did not indeed refuse to relieve the wants of the king, though murmurs were heard respecting his indiscretion and prodigality, but they maintained, that every offer of money on their part ought to be met with a corresponding offer of concession on the part of the crown ; they brought forward a long catalogue of griev-

* Boderie, i. 122. 180. 299.

ances in the practice of the ecclesiastical courts, in the administration of civil justice, and in the conduct of every department of government; and they sent, to use the significant expression of James, an O yes into every part of the country, to find out grounds of complaint. The ministers had recourse to artifice and intrigue. They prayed and coaxed; they attributed the necessities of the king to a debt of 400,000*l.* left by the last sovereign, to the charges of the army in Ireland, and to the expenses of a new reign; and while they conceded that James had been sometimes too liberal in his presents, sometimes too prodigal in his pleasures, they held out hopes of immediate amendment, and of strict attention to economy in future. Thus, partly by promises and partly by management, they contrived to elude every motion for reform, and to obtain a vote of three subsidies, and six tenths and fifteenths*.

But there was another question equally interesting to the passions of the members, and less likely to provoke dissension between them and the crown, the revision of the penal code, as far as regarded the prohibition of the catholic worship. To a thinking mind the late conspiracy must have proved the danger and impolicy of driving men to desperation by the punishment of religious opinion. But the warning was lost; the existing enactments, oppressive and sanguinary as they were, appeared too indulgent; and though justice had been satisfied by the death and execution of the guilty, revenge and fanaticism sought out additional victims among the innocent. Every member was ordered to stand up in his Feb place, and to propound those measures which in his judgment he thought most expedient. These, in successive conferences, were communicated by one house to the other, and in each motions were made and enter-

* Journal of Commons, 265—313. Cobbett's Parliamentary History, 1064. The three subsidies, and six tenths and fifteenths, added to four subsidies granted by the clergy, were estimated at £453 000. Abstract of his Majesty's Revenue, p. 11.

tained as abhorrent from the common feelings of humanity as the conspiracy itself. Henry IV. of France thought it the duty of a friend to interpose with his advice: and Boderie, his ambassador, was ordered to represent to the king, that his master had learned from experience the strong hold which religion has on the human breast; that it is a flame which burns with increasing fiercer-ness in proportion to the violence employed to extinguish it; that persecution exalts the mind above itself, teaches it to glory in suffering, and renders it capable of every sacrifice in the cause of conscience; that much might be done by kindness—little by severity. Let him punish the guilty—it was his duty; but it was equally his duty to spare the innocent, even in opposition to the wishes of his parliament; as it was also his interest not to goad the catholics into plots for his destruction, but to convince them that they possessed a protector in the person of their sovereign*.

James was of a lenient disposition. He recommended moderation to his council; attempts were made to check the extravagance of the zealots; and after a long succession of debates, conferences, and amendments, the new code received the royal assent. It repealed none of the laws then in force, but added to their severity by two new bills, containing more than seventy articles, inflicting penalties on the catholics in all their several capacities, of masters, servants, husbands, parents, children, heirs, executors, patrons, barristers, and physicians. 1°. Catholic recusants were forbidden, under particular

* Ambassades de Boderie, l. 22. 80. James replied to the ambassador, who could not obtain an audience till the end of the session, that he was by disposition an enemy to harsh and cruel measures: that he had repeatedly checked the eagerness of his ministers; but that the catholics were so infected with the doctrine of the jesuits, respecting the subordination of the royal to the papal authority, that he was compelled to leave the matter to the decision of his parliament. The ambassador observed, that he ought at least to make a difference between those who held and those who rejected that doctrine. It was no article of the catholic faith, as had been fully proved in France, where many stanch catholics had lately aided the king in opposition to the papal bulls: and he had no doubt that the same opinion prevailed among the English catholics. Ibid. p. 82.

penalties, to appear at court, to dwell within the boundaries, or ten miles of the boundaries of the city of London, or to remove on any occasion more than five miles from their homes, without a special license under the signatures of four neighbouring magistrates. 2°. They were made incapable of practising in surgery or physic, or in the common or civil law; of acting as judges, clerks, or officers in any court or corporation; of presenting to the livings, schools, or hospitals in their gift; or of performing the offices of administrators, executors, or guardians. 3°. Husbands and wives, unless they had been married by a protestant minister, were made to forfeit every benefit to which he or she might otherwise be entitled from the property of the other; unless their children were baptized by a protestant minister within a month after the birth, each omission subjected them to a fine of 100*l.*; and, if after death they were not buried in a protestant cemetery, their executors were liable to pay for each corpse the sum of 20*l.* 4°. Every child sent for education beyond the sea, was from that moment debarred from taking any benefit by devise, descent, or gift, until he should return and conform to the established church, all such benefit being assigned by law to the protestant next of kin. 5°. Every recusant was placed in the same situation as if he had been excommunicated by name; his house might be searched, his books and furniture, having or thought to have any relation to his worship or religion, might be burnt, and his horses and arms might be taken from him at any time by order of the neighbouring magistrates. 6°. All the existing penalties for absence from church were continued, but with two improvements; 1°. it was made optional in the king, whether he would take the fine of 20*l.* per lunar month, or in lieu of it all the personal, and two thirds of the real estate: and 2°. every householder, of whatever religion, receiving catholic visitors, or keeping catholic servants, was liable to pay for each

individual 10*l.* per lunar month*. 7°. A new oath of allegiance was devised for the avowed purpose of drawing a distinction between those catholics who denied, and those who admitted the temporal pretensions of the pontiffs. The former, who it was supposed would take the oath, were made liable by law to no other penalties than those which have been enumerated; the latter were subjected to perpetual imprisonment, and the forfeiture of their personal property, and of the rents of their lands during life; or, if they were married women, to imprisonment in the common gaol, until they should repent of their obstinacy, and submit to take the oath.

That James, in the proposal of the last measure, had the intention of gradually relieving one portion of his catholic subjects from the burden of the penal laws, is highly probable: but whether those to whom he committed the task of framing the oath, archbishop Abbot and sir Christopher Perkins, a conforming jesuit, were animated with similar sentiments, has been frequently disputed. They were not content with the disclaimer of the deposing power; they added a declaration that to maintain it was impious, heretical, and damnable. It was evident that many, willing to make the former, would hesitate to swear to the latter; and that the supporters of the obnoxious doctrine would gladly justify their refusal of the oath by objecting to this impolitic and unnecessary declaration. The great, the only point of importance was the rejection of the temporal superiority attributed by many theologians to the pontiff; and it is equally a matter of surprise, that the king on the one hand should have allowed the introduction of a

* The fine of £10 per month for a catholic servant was found an intolerable burthen. "Il y eut l'autre jour un seul seigneur qui donna congé à soixante. J'en scais d'autres de très bonne qualité, qui sont résolus de souffrir tout plutôt que de congédier les leurs. C'est une dangereuse arme que le désespoir en mains de personnes qui n'ont rien à perdre." July 20. i. p. 232. He says that almost all the lords had many catholics on account of their greater fidelity.

clause calculated to prevent his own purpose, and that the catholics on the other did not petition that such clause should be totally expunged, or at least cleared from the hyperbolical and offensive epithets with which it was loaded. The oath, however, as it was framed, received the approbation of the legislature; and it was ordered that all recusants convict, that all individuals suspected of catholicity, because they had not received the sacrament twice in the protestant church during the last twelve months, and that all unknown persons travelling through any county, should be summoned to take it, under the heavy penalties which have been already mentioned*.

When these enactments were published, they excited surprise and dismay. The French minister pronounced them characteristic of barbarians rather than christians†; the lords of the council, ashamed of their own work, deliberated on expedients to mitigate their severity; and many catholics, alarmed at the prospect before them, bade adieu to their native country; while those who remained, animated each other to forfeit their liberty, property, and lives, rather than forsake their religion‡. With these the lawfulness of the new oath became a question of the highest import. The missionaries were divided in opinion: the jesuits in general condemned it; Blackwall, the archpriest, with his assistants of the secular clergy, decided in its favour. The controversy was carried to Rome, and while the friends of the former called for vigorous and decisive measures,

July
15.

* Stat. of Realm, iv. 1070—1082.

† "Elles sont inhumaines et plus barbares que chrétiennes." Villeroy à Boderie. June 25. i. 172.

‡ "Beaucoup de catholiques se préparent à s'en aller: voire y en a de si vieux que je vois ne chercher qu'une terre étrangère pour s'enterrer: et néanmoins si en reste-t-il encore un si grand nombre, qui s'étonnent point de toutes ses menaces, que c'est certes chose admirable..... La plupart des dames de qualité sont catholiques, et n'y a pas une qui ne cache chez elle un prêtre." Boderie, June 21, vol. i. p. 161. "Tant s'en faut que cela fasse perdre cœur auxdits catholiques, qu'il semble qu'ils s'en aiment davantage: et au lieu de retirer de ladite religion ceux qui sont reconnus d'en être, il s'en déclare tous les jours qui ne le paroissent point auparavant." Ibid. June 26, p. 178.

the king of France admonished the pontiff to beware, lest, by irritating James, he should give occasion to the final extinction of the catholic worship in England*.

June 3. The reigning pope was Paul V. During the discussions in parliament he had despatched a secret envoy to England, who, under the disguise of a messenger from the duke of Lorrain, obtained admission at court. He was the bearer of two letters, one to the archpriest instructing him to prohibit by papal authority all seditious and treasonable practices; the other to the king, expressing on the part of the pontiff the deepest detestation of the late plot, and soliciting the royal protection for the innocent catholics. Though James professed himself pleased, and ordered the accustomed gratuity to be given to the envoy, his answer was cold and unsatisfactory†. When Paul learned the failure of this mission, he yielded to the clamour which the enactments in England Sept. 3. had excited at Rome; and Holtby, who had succeeded to Garnet as superior of the jesuits, put into the hands of the archpriest a papal breve, condemning the oath of allegiance, as unlawful to be taken, because "it contained many things contrary to faith and salvation." Blackwall, aware of the consequences, received it with feelings of the most profound grief: and when he notified it to his flock, was careful to append to it an admonition, that it was to be considered only as the private dictum of Paul V.

The publication of the breve sharpened the resentment of James. By his orders the bishops began to tender the oath in their respective dioceses, and the recusants by whom it was refused were condemned at the assizes in the barbarous penalties of premunire.

* " Ils prétendent prouver que l'indulgence et patience dont sa sainteté s'est gouvernée avec lui, augmente l'audace des auteurs de tels conseils, empire la condition desdits catholiques, et sera cause à la fin de leur entière destruction. Ils ont à cette fin envoyé exprés vers le pape un des principaux de leur compagnie..... Toutefois sa majesté continuera de faire son possible pour maintenir sa sainteté dedans les termes susdits." Villeroi à Boderie, June 18. p. 150. 300.

† See Boderie, i. 123. 224. 300. 327.

Three missionaries, lying under the sentence of death for the exercise of their priestly functions, were summoned to take it; they pleaded scruples of conscience, and received orders to prepare for execution. Two owed their lives to the timely intercession of the prince of Joinville, and of the French ambassador. Drury, the third, suffered the punishment of a traitor. He was one of those, who had signed the protestation of allegiance to Elizabeth, and who believed in his own judgment that the oath of James was equally admissible. But he dared not prefer his private sentiments before those of the pope, and of many among his brethren, and chose to shed his blood rather than pollute his conscience by swearing to the truth of assertions, which he feared might possibly be false*.

In the course of the next summer the archpriest himself fell into the hands of the pursuivants. His opinion was already known; he cheerfully avowed it in the presence of the commissioners at Lambeth; and in a circular letter to the catholics announced that he had taken, and that he deemed it lawful for them to take, the oath, in the sense in which it had been explained by the lawgiver, the king himself. His conduct was highly applauded by James; yet so violent were the prejudices of the zealots, that though he lamented the imprisonment of the old man, he dared not grant him any other indulgence, than that he should not be brought to trial on the capital offence, of having received holy orders beyond the sea. He was in his seventieth year, and languished in confinement till his death in 1613†.

* When Boderie begged a reprieve for him and his companion Davies, James granted it for the latter, but with so bad a grace that the ambassador determined never more to ask a similar favour. The real cause of Drury's death was, he says, that a copy of a letter from Father Persons against the oath had been found in his possession. See Boderie, ii. 102. 256. Howell's State Trials, ii. 358.

† Boderie, ii. 313. 337. 350. See a most interesting account of his examination in Mr. Butler's *Memoirs of the English Catholics*, 3d edition. ii. 304. Blackwall's letter is in Collier, ii. 694. He would never retract, though he received several exhortatory letters from the cardinals Arrigoni and Bellarmine, and the jesuits Persons and Holtby. He constantly

This submission of Blackwall was considered as a triumph: the admonitory letters sent to him by Persons and Bellarmine, the appointment of Birket as arch-priest in his place, and the publication of the second breve confirmatory of the first, successively raised the indignation of the king to the highest pitch. Sending for his favourite theologians, he shut himself up with them in his study, refusing to listen to his ministers, postponing the most urgent affairs of state, and abstaining even from the pleasures of the chase. The fruit of his retirement at last appeared in a tract entitled "An
1608. "Apologie for the oath of Allegiance," which was immediately translated into the Latin and French languages*. It was followed by the condemnation of six priests for the exercise of their functions; they refused the oath; their obstinacy was not subdued by the perusal of the king's tract; and three out of the six paid the forfeit of their lives, one at York and two at Tyburn †.

The king was now fairly launched on the sea of controversy, where he believed himself an equal match for any opponent. It was not long before he received answers to the "Apologie" from Persons and Bellarmine. Vanity urged him to refute their arguments, resentment to chastise their presumption. His theological coadjutors were again summoned to his closet; his former work was revised, and to it was prefixed an address, called a præmonition to all christian princes. He made, however, but little progress: every particular question gave birth to endless debates; and what with objections, and improvements, and diversity of opinions, it was found that at the end of several weeks, the work was scarcely more advanced than it had been at the commencement. The kings of France and Denmark

maintained that the oath did not affect the spiritual supremacy of the pope, but only rejected his temporal pretensions. Bartoli, 597.

* See Boderie, iii. 103. 131. 164. 190.

† Ibid. 227. Challoner, ii. 19—23.

exhorted him to desist from a contest unworthy of a crowned head. To the former James replied in terms of respect: but the latter he admonished to consider his own age, and to blush at his folly in offering advice to a prince so much older and wiser than himself. The queen having tried her influence in vain, turned her anger against the earl of Salisbury, whom she suspected of encouraging her husband in this pursuit, that he might govern the kingdom at his pleasure *. But though the mountain had been long in labour, though 1609. the public had been kept for months in breathless suspense, when the hour of parturition arrived, it was unexpectedly deemed prudent to suppress the birth †. A new light had burst on the mind of James: he ordered all the printed copies to be called in, and the work to be again revised and corrected; and after many new alterations, gave it at last to the world in a less voluminous and less offensive form ‡. Special messengers were despatched to present it to the several princes in Europe. By most it was accepted as a compliment, by the king of Spain and the archduke it was peremptorily refused §.

Neither the publications of James and his divines, nor those of his adversaries, determined the controversy

* Boderie was, however, of a different opinion. "La présomption seule qu'il a de sçavoir plus en théologie que tous les docteurs du monde, en est l'unique cause." Ibid. iv. 319.

† It was full of dissertations on the vials in the Apocalypse, which made the French ambassador declare that the book was "Le plus fou, s'il m'est loisible d'ainsi parler, et le plus pernicieux que se soit jamais fait sur tel sujet." iv. 302.

‡ See Boderie throughout almost every despatch in the fourth volume. The chief corrections consisted in the arguments to prove the pope to be antichrist, which were now softened down to prove that he was antichrist only in as much as, and as long as, he should pretend to temporal power in the dominions of others. Winwood, iii. 55, 56, 66. It was called *Apologia pro juramento fidelitatis, præmissa præfatione monitoria*. Birch, 298, 299.

§ He also made presents of both the English and Latin editions to the English prelates. Matthews, archbishop of York, threw himself on his knees to receive them from the messenger, kissed them, promised to keep them as the apple of his eye, and to read them over and over again. Sir Patrick Young to the king, June 19, 1609. Dalrymple's Memorials, p. 13. See note (E).

which continued to divide the catholics for the greater part of the century. On the one hand, the oath was refused by the majority of those to whom it was tendered; on the other, it was taken by many of considerable weight both among the clergy and laity. Among the latter are to be numbered the catholic peers, (they amounted to more than twenty) who, with a single exception, spontaneously took the oath on different occasions in the upper house of parliament*.

* This will appear from a diligent perusal of the journals. The lord Teynham alone eluded it, by never attending his duty in parliament more than one day during each session.

CHAPTER II.

JAMES I.

James and his consort Anne of Denmark—Insurrection—Union of England and Scotland—King's expenses—Proceedings of parliament—Marriage, imprisonment and death of Arabella Stuart—Death of prince Henry—Rise of Carr, earl of Somerset—Divorce of earl and countess of Essex—Rise of George Villiers, duke of Buckingham—Arrest and trial of earl and countess of Somerset—Disgrace of Coke—Transactions with Holland—Errors of Vorstius—Synod of Dort—Introduction of episcopacy into Scotland—Visit of James to Edinburgh—Commission of graces in Ireland—Flight of Tyrone—Plantation of Ulster—Proceedings of Irish parliament—New plantations.

WHEN James prorogued the parliament in 1606, he had been more than three years on the throne, and yet had made no progress in the esteem, had acquired no place in the affections of his English subjects. It was in vain that he sought by speeches and proclamations to earn the reputation of political wisdom; his inattention to business, and his love of dissipation, provoked remonstrances and complaints. Twice in the week the king of England devoted his time to the amusements of the cockpit*; day after day the chase kept him on horseback from the dawn till the evening†; and the fatigue of the chase was always relieved by the pleasures of the table, in which he frequently indulged to excess‡. The

* "Il vit combattre les coqs, qui est un plaisir qu'il prend deux fois la semaine." Boderie, i. 56. I observe that the fee of the master of the cocks, 200*l.* per annum, was equal to the united salaries of two secretaries of state. Abstract of the king's revenue, p. 45. 47.

† See the letters in Winwood, ii. 46. Lodge, iii. 245. 247. 311. 332. 335. 337. Boderie, i. 195. 202. 396. ii. 101.

‡ See Boderie, i. 241. 283. iii. 197.

consequence was, that questions of great national importance were suffered to remain unnoticed; and not only foreign ambassadors, but even his own ministers, were occasionally debarred, during weeks together, from all access to the royal presence. On their knees they prayed him to give more attention to the public business; anonymous writers admonished him of his duty by letters; the players held up his foibles to ridicule on the stage; but the king was not to be moved. He replied that he did not intend to make himself a slave; that his health, which "was the health and welfare of them all," required exercise and relaxation; and that he would rather retrace his steps to Scotland, than consent to be immured in his closet, or chained to the council table*.

His consort, Anne of Denmark, could boast of some pretensions to beauty, to which she added considerable abilities and spirit. She hesitated not to avow her contempt for the weakness of the king; frequently assumed a superiority, which made him feel under constraint in her presence; and on some occasions presumed even to dispute the royal authority. James was believed to be a faithful husband, nor did the voice of scandal, which had been heard only to whisper in Scotland, ever dare to breathe upon *her* character in England†. The public voice accused her of favouring the Spanish interest, and of nourishing in her son Henry a contempt for the peaceful disposition of his father: but, whether it were suggested by her own prudence, or required by the English council, from the moment of her arrival on this side of the Tweed, she abstained in a great measure

* Ibid. i. 303. 310. ii. 244. 379. 440 iv. 21. Winwood, ii. 54. 217. The players represented him in his passion, sometimes cursing his hounds and falcons, sometimes striking his servants, and drinking to intoxication at least once a day. Boderie, iii. 196, 197. On one occasion the king's favourite dog Jowler, which had been lost, returned with the following letter tied to his neck. "Good Mr. Jowler, we pray you speak to the king, (for he hears you every day, and so doth he not us,) that it will please his majestie to go back to London, for els the contry will be undone: all our provision is spent already, and we are not able to inter-
"tayne him longer." Lodge, iii. 245.

† Peyton, 332. 335. 339. 346.

from political intrigue, and devoted her attention to the amusements and the pageantries of the court, pursuits in which she greatly excelled. To display to advantage the grace of her person and the richness of her dress, to exact and receive the homage of all around her, to shine the first among her ladies in a succession of balls and masks, became her principal study. No expense, no decoration was spared to give splendour to these entertainments: the first poets of the age were employed to compose the speeches, the first artists to frame the machinery; and Anne herself, with her favourite attendants, surprised and delighted the court by appearing successively in the disguise of a goddess or a nereid, of a Turkish sultana or an Indian princess. There was, however, one drawback from the pleasure of such exhibitions, which will hardly be anticipated by the reader. Sobriety at this period was not confined to the male sex, and on some occasions females of the highest distinction, who had spent weeks in the study of their respective parts, presented themselves to the spectators in a state of the most disgusting intoxication*.

* When Christian IV. of Denmark visited the king in 1606, Cecil gave a grand entertainment and mask at Theobalds, in honour of the royal stranger. The following extract from a letter written by one of the guests will amuse the reader. "Those whom I never could get to taste good liquor, now follow the fashion, and wallow in beastly delights. The ladies abandon sobriety, and are seen to roll about in intoxication. After dinner the representation of Solomon his temple, and the coming of the queen of Sheba was made, or, (as may I better say) was meant to have been made. . . . The lady who did play the queen's part, did carry most precious gifts to both their majesties; but forgetting the steps arising to the canopy, overset her caskets into his Danish majesty's lap, and fell at his feet, though I rather think it was in his face. Much was the hurry and confusion; cloths and napkins were at hand to make all clean. His majesty then got up and would dance with the queen of Sheba, but he fell down and humbled himself before her, and was carried to an inner chamber, and laid on a bed of state, which was not a little defiled with the presents of the queen. . . . The entertainment and show went forward, and most of the presenters went backward or fell down: wine did so occupy their upper chambers. Now did appear in rich dress Hope, Faith, and Charity. Hope did assay to speak, but wine did render her endeavours so feeble that she withdrew. Faith was then all alone, for I am certain she was not joynd with good works, and left the court in a staggering condition. Charity came to the king's feet, and seemed to cover the multitude of sins her sisters had committed, in some sorte she made obeysance, and brought gifts. . . . She then re-

James had scarcely recovered from the panic excited by the gunpowder treason, when he was alarmed by an insurrection in the very heart of the kingdom. It was provoked by the rapacity of the lords of manors, who had enclosed for their own use large parcels of lands which had hitherto been common, and had thus diminished the usual means of subsistence to their poorer tenants. The practice was begun by those, who having obtained church lands during the Reformation, sought to make the most of their new possessions ; and it had been continued to the reign of James, in defiance of popular tumults, legislative enactments, and royal proclamations. There was no grievance which the people felt more keenly, or which they were more disposed to redress by open violence. Of late the individuals, to whom the forfeited lands of the gunpowder conspirators had been given, had encroached on the commons as others had done before them : the sufferers, being joined by their neighbours who could remember similar provocations, presented a remonstrance to the council ; and finding their complaint treated with neglect, assumed the right
 1607. of doing justice to themselves. Suddenly lawless as-
 May semblages of men, women, and children, were observed
 15. in the three counties of Northampton, Warwick, and Leicester. They seldom amounted to less than one thousand men ; at Hill Norton, the former estate of Francis Tresham, they reached to three, at Cottesbich to five, thousand. They appeared to be under the guidance of certain unknown persons, who were never seen in public without masks ; Reynolds, the avowed leader, took the name of Captain Pouch, from an enormous pouch which he carried on one side. This man was an impostor or an enthusiast. He pretended to act under the inspiration of God, and with the license of the king ; he pronounced himself invulnerable, and declared that he carried in his pouch a spell which would

" turned to Hope and Faith, who were both sick and spewing in the lower
 " hall." *Nugæ Antiquæ*, i. 348, 349, 350. edit. 1804.

insure success to his followers. He strictly forbade them to use profane words, to employ personal violence, or to perform any illegal act, which was not necessary for the abatement of the new enclosures. They faithfully obeyed his orders. The park walls were demolished, fences levelled, and dikes filled up. Wherever the rioters appeared, the inhabitants received them with expressions of joy, and through fear or affection, supplied them with tools and provisions. If any gentleman ventured to remonstrate, he was immediately placed among the labourers, and compelled to join in the work of demolition.

At the first report of this commotion James knew not whether to suspect the catholics or the puritans: the guards in the palace were doubled; and the lord mayor was instructed to watch the motions of the apprentices within the city. More accurate information relieved his terrors. The insurgents were commanded by proclamation to disperse: but they maintained that their occupation was lawful; they were employed in executing the statute against new enclosures. The lords lieutenant endeavoured to raise the counties: but few of the inhabitants were disposed to incur the resentment of their poor and exasperated neighbours. At last the noblemen who possessed lands in the disturbed districts were ordered to repair to their estates; and the gallants at court received a hint that their services would be more acceptable in the field. Thus several bodies of horse were gradually formed: they hastened to the disturbed June districts, and traversed them in every direction, charging, routing, and slaying the insurgents wherever they attempted to make resistance. To the commissioners appointed to punish the guilty James recommended moderation and pity. The people, he observed, were not so much to blame. They had been oppressed; and, had not the council intercepted their petitions, would have found redress from his justice. This was the cause of their rising. If they had transgressed the law,

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they had been driven to it by the rapacity of their lords, and the neglect of the ministers. Captain Pouch and his chief associates suffered as traitors, because they had appeared in arms against the king; several of his followers as felons, because they had not dispersed at the reading of the proclamation. This insurrection, so slowly but easily suppressed, proved the weakness of the government; but the French ambassador must have been strangely deceived by his intelligence, or blinded by his prejudices, when he assured his court that if any nobleman of talent and popularity had placed himself at the head of the rioters, he would have found it no difficult task to drive back the Scottish prince to his native country*.

In the estimation of thinking men the ministers were not less culpable than their sovereign. If he displayed no solicitude to establish himself in the affections of his English subjects, they were thought too willing to indulge him in that indolence and dissipation, which transferred to them in a great measure the government of the kingdom. The chief among them were Cecil, (who in 1604 had been created viscount Cranborne, and in the next year earl of Salisbury,) and Henry Howard earl of Northampton, who, of sworn brothers and associates, had at last become rivals in the pursuit of wealth and power†. But it was not long before Salisbury secured the ascendancy. His slow and cautious policy, the fertility with which he invented expedients to disguise his own projects, and the sagacity with which he discovered the real or imaginary designs of foreign courts, endeared him to the timid and suspicious disposition of James; and the familiar appellation of "my little beagle‡" proved the high place which he held in the estimation of the sporting monarch. Northampton was thought to lean towards the interest of Spain; while his more

* Stowe, 889. Boderie, ii. 279. 291. 299. 312.

† Boderie, ii. 135. 201. 440. iii. 344. iv. 21.

‡ Lodge, iii. 272. Sydney Papers, ii. 252.

wary rival flattered the secret though unavowed inclination of the king, who, afraid of waging open war against that power, laboured by clandestine means to support and multiply its enemies. It chanced, however, that Anne quarrelled with Northampton: a forced reconciliation, procured by the authority of James, settled into a rooted antipathy; and Salisbury improved the opportunity to secure to himself the good graces of a princess, who with her son, the heir apparent, had hitherto looked on him as a secret enemy. He resigned to her the property of his house at Theobalds; and though he received in exchange more than double the value, had the art to persuade the king and queen that he had done them a favour*. From the year 1599 he had been master of the court of wards, the most lucrative office possessed by any subject in christendom†: now, on the death of the earl of Dorset, he succeeded him as lord high treasurer, at the special request of the king‡. This was a grievous mortification to his rival, who had openly solicited the office: as a compensation James bestowed on Northampton that of keeper of the privy seal, which, if it were inferior in rank and emolument, yet gave precedence in the council, and brought with it the allowance of a plentiful table at court, and fees to the annual amount of 5000*l* §.

Among the projects which James had formed, there was one upon which he had set his heart, but in which he was strongly opposed by the prejudices of his subjects of both nations. His accession had given to England

* "On lui baille par ladite échange une terre beaucoup plus noble, en beaucoup plus belle assiette, autant et plus de domaine et beaucoup meilleurs, et deux cens mille francs pour bâtir une autre maison.....néanmoins encore a-t-il fort obligé le roi son maître." Boderie, ii. 254.

† Winwood, i. 41. Boderie valued it at 100,000 crowns. In this court he disposed of the marriages of widows, and leased out the lands of minors for one third of the real worth. Aulic, coequin. 155.

‡ "My master hath laid this honour upon me without suit and without merit." Sydney Papers, ii. 326. But Boderie says it was procured for him by the queen, iii. 302.

§ Ibid. iii. 348. 302. Winwood, ii. 399.



and Scotland the same head; he wished to unite them in one body. Their obedience to a common sovereign had removed the ancient causes of hostility: but the king looked to a more perfect incorporation, which should communicate to all his subjects the same rights, and should make them all amenable to the same laws. It was a magnificent, but a premature and therefore an imprudent design. James seems not to have been aware of the force of national prejudice; that animosities which have been growing for ages are not to be eradicated in two or three years; and that the laws and institutions of a people cannot be changed at once, unless by the stern decree of a conqueror. The name of union was received with horror by the Scots, who associated with the sound the idea of national subjection; by the English with scorn, as an invitation given to their poorer neighbours to descend from their mountains and fatten on the good things of the land. The liberality of the king to his Scottish followers had created a strong prejudice against any measure which might draw more of his countrymen into England; and the pretensions of the Scottish nobility to take precedence according to the antiquity of their titles, had alarmed the pride of many among the English peers who belonged to new families, the descendants of men ennobled since the Reformation*. By the English parliament the king's proposal was received with coldness, by the Scottish with aversion; nor could the prayer of James obtain from the former, nor his threats extort from the latter, anything more than the appointment of commissioners to meet and deliberate on the question. These, after several conferences, agreed that all hostile laws between the two kingdoms ought to be repealed; that the border courts and customs should be abolished; that there should be free intercourse of trade throughout the king's

1604.
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2.

* Boderie, l. 425. 440. Winwood, lii. 117.

dominions, and that the subjects of each should be naturalized in the other *. Though these propositions did not equal the expectations of James, he was content to accept them as a foundation for the superstructure which he meditated, and therefore assumed by proclamation the new style of King of Great Britain †. When, however, they were laid before the parliament, the two first only were adopted. The king addressed the commons 1607 by letter; he harangued them in person; he detailed Feb. the advantages of the proposed measures; he answered 25. their objections; he assured them of his equal attachment to his subjects of each nation ‡. But his eloquence was poured in vain; it only provoked angry discussions, in which his own conduct was not spared, and the foulest aspersions were thrown on the national character of his countrymen §. Such language exasperated the pride of the Scots; they scorned a benefit which was grudged Mar. to them by the jealousy of their opponents; and the inflexible hostility of the two people compelled the king to withdraw his favourite question from the consideration of either parliament ||.

He had, however, the means of establishing the naturalization of all his subjects in both kingdoms by a decision in the courts of law. During the conferences seven-

* Winwood, ii. 20. 22. Journals of Commons, 318—322. It is a singular circumstance that the commissioners held these conferences in the very mansion which Percy had hired for the purpose of working the mine under the parliament house; so that the conspirators were for several weeks prevented from commencing their work.

† Rymer, xvi. 603.

‡ See his speeches in the Journals, 314. 357. 366. Somers' Tracts, ii. 118, and his letter in Lodge, iii. 232. The chief opposition was in the commons: in the lords it had been confined to the earls of Arundel, Pembroke, and Southampton, and the lords Mounteagle and Burghley. James sent for them, reproached them with ingratitude, and dismissed them, after they had promised on their knees to give him their votes in future. Boderie, ii. 200.

§ For a speech of this description sir Christopher Pigott was dismissed from his place, and sent to the Tower. Journals, 333. 335. The king had said that through affection for the English he dwelt in England; one of the members observed, that he wished he would show his affection to the Scots by going to reside among them, for procul a numine procul a fulmine. Boderie, ii. 223.

|| Boderie, ii. 142. 143. 302.

ral of the judges had given their opinion that all persons born under the king's obedience were by that very circumstance naturalized in all places under his dominion at the time of their birth ; a doctrine most important in its consequences ; for, though it excluded the generation in existence at his accession, yet it comprehended all that followed it, and would of course confer in a few years the benefit of naturalization on all the natives of both countries. James was careful to inculcate this doctrine in the proclamation by which he assumed his new title ; and it was supported by ten out of eleven judges, who were consulted by the house of lords. But the commons refused to submit to their authority ; and, to bring the question to an issue, two suits, one in the chancery, another in the king's bench, were instituted in the name of Robert Calvin, a native of Scotland, born since the death of Elizabeth. It was pleaded in abatement that he was an alien ; and a demurrer to the plea brought the question into the exchequer chamber for the solemn opinion of the judges. Two, Walmesley and Term Foster, pronounced against Calvin ; the other twelve, with the lord chancellor, in his favour. The right of the postnati was thus established ; though the legality of the decision remained still a question among the most eminent lawyers, many of whom contended that the opinion of the judges had been influenced by the wishes of the sovereign*.

The incorporation of the two kingdoms, and the uniformity of religious worship, were the only two questions on which the king distrusted the judgment of his favourite minister. In regard to the first, he suspected

* See Moore's report of the proceedings in parliament, Coke's report of Calvin's case, and the speeches of Bacon and Ellesmere, printed in the second volume of Howell's State Trials, p. 559—696. That the dissentients were Forster and Walmesley, justices of the court of common pleas, is plain from the assertion of the chancellor that their surnames were Thomas. There was only one other judge of that name, Fleming, who, both in the house of lords and in the exchequer chamber, gave his voice for the affirmative.

him of national prejudice; to the latter, of secret puritanism. On all other questions of importance James consulted him as an oracle, and was uniformly governed by his advice*. But Cecil found that his cares multiplied with his honours, and that his new office of treasurer, if it invested him with wealth and patronage, also surrounded him with difficulties, which, with all his ingenuity, he was unable to surmount. In Scotland the king had lived in poverty, the pensioner of Elizabeth; when he ascended the English throne he fancied himself in possession of riches which no prodigality could exhaust. His household, and those of his queen and children, were calculated on the most extensive scale†; his entertainments were of the most costly description; and his presents to his Scottish followers, and to foreign envoys, to those who claimed reward for their services, or had the good fortune to attract his favour, were valuable and profuse beyond precedent‡. He was not to be deterred by remonstrance. To spend was *his* province, to provide money that of his ministers. The treasury was drained; privy seals and forced loans, the usual expedients of his predecessors, produced but scanty and occasional supplies; and so great was the royal poverty, that sometimes the purveyors refused provisions, for the king's table; sometimes the treasurer was surrounded

* Boderie, ii. 356. iii. 325. 302. iv. 39.

† Even the household of Henry and Elizabeth, two children, amounted to a hundred and forty-one persons, fifty-six above, and eighty-five below stairs. Birch's Life of Prince Henry, p. 25. Lodge, iii. 182. 254. In 1610 that of the prince alone had increased to four hundred and twenty-six individuals, of whom two hundred and ninety-seven were in the receipt of salaries, besides the workmen employed under Inigo Jones. Archæol. xii. 85.

‡ Lodge, iii. 180. Winwood, ii. 43. iii. 117. Thus, for example, at the marriage of sir Philip Herbert with lady Susan Vere, he made the bridegroom a present of lands to the yearly value, as some say, of 500*l.*, as others, of 1200*l.* At the marriage of Ramsey, viscount Haddington, with lady Elizabeth Ratcliff, he paid Ramsey's debts, amounting to 10,000*l.*, though he had already given him 1000*l.* per annum in land (Winwood, ii. 217), and sent to the bride a gold cup, in which was a patent containing a grant of lands of 600*l.* a year. Lodge, iii. 254. 236. Boderie, iii. 129. From the abstract of his revenue I find that his presents at different times in money to lord Dunbar amounted to 15,262*l.*; to the earl of Mar to 15,500*l.*; to viscount Haddington, to 31,000*l.*

in his carriage by the inferior officers of the court, clamorously demanding the arrears of their salaries*.

It was fortunate for Cecil that when he took his seat at the treasury only a portion of the three subsidies voted in the last parliament had found its way into the royal coffers. The remainder, as it came in, was by his direction put aside to satisfy the king's creditors; to it were added several large sums raised by the sale of lands belonging to the crown; and in the course of two years the royal debts were reduced from thirteen to four hundred thousand pounds. At the same time, to cover the annual deficiency of the income, he had recourse to the feudal aid of twenty shillings from every knight's fee towards the knighthood of the king's son, and to the imposition of additional duties, by the sole power of the crown, on almost every article of foreign commerce†. The legality of this proceeding was indeed disputed by the country; but the court of exchequer gave judgment in favour of the king, in opposition to the general doctrine that, according to law, no public money could be raised unless by virtue of an act of the legislature‡.

For more than two years the parliament had been successively prorogued, through the unwillingness of James to meet the men who had presumed to question his prudence, and to speak irreverently of his pleasures. In 1610 his obstinacy was compelled to yield to necessity;

* Boderie, ii. 16. 413. 427. 440. iii. 70. 72. 103. 169. Lodge, iii. 172. Molino's report, MS.

† See Boderie, iii. 342. 421. iv. 370. Winwood, iii. 123. The aid of twenty shillings produced only 21,800*l*. Abstract of his majesty's revenue, p. 10. The new impositions were laid at the rate of five per cent. on the value of the goods, and were calculated to have produced 500,000*l*. more per annum. Boderie, iii. 342. At first they must have had a contrary effect, if it be true that "the customs of London fell that year 24,000*l*., and "fewer ships arrived by 360." Winwood, iii. 155. It will perhaps appear singular to the reader that Cecil himself should have been the farmer of the customs. In 1604 he had taken them at an advance of 28,600*l*.

‡ In the court of exchequer judgment was given against Bates, a merchant, who had paid the legal poundage of two shillings and sixpence per hundred weight on a cargo of currants, but refused to pay the impost of five shillings in addition. The speeches of the two judges, Clark and Fleming, may be seen in Howell's State Trials, ii. 382—395.

and, though he declined to open the session in person, he consented, in order to propitiate the commons, to replace on the commission of the peace those members whom he had previously removed in punishment of their opposition to his measures. In a conference of the two houses, the treasurer ventured to explain his new plan of finance. In the first place he demanded an immediate supply of 600,000*l.* to relieve the existing wants of the king; and, secondly, a yearly addition of income to the amount of 200,000*l.* to prevent their recurrence. In return, he exhorted them to make known their grievances, and promised that the liberality of the sovereign to his people should be commensurate with their liberality to him. The proceedings which grew out of this communication will prove interesting to those who study the constitution of their country*.

1^o. Considerable rivalry had long existed between the courts of common and civil law: the latter bitterly complained of the "prohibitions" issued by the former; and James, in his attempts to silence these disputes, could not conceal his predilection in favour of a code which magnified the power and the rights of the sovereign. A law dictionary, entitled "The Interpreter," had been lately published by Dr. Cowell, an eminent civilian, at the solicitation, it was supposed, of the archbishop, and with the private approbation of James. Under the heads of "king, subsidy, parliament, and prerogative," Cowell had laid down principles subversive of the liberties of the subject. Transferring to the king of England all those powers which had been exercised by the emperors of Rome, the author contended that he was not bound by the laws of the realm; that in virtue of his prerogative he could make laws without the consent of parliament; and that if the two houses were summoned to concur in the grant of subsidies, it was a mere matter of favour, not of right. The commons were

* Winwood, iii. 123, 124. Boderie, v. 189. Journals, 393.

alarmed: they claimed the aid of the lords to punish the author of doctrines so new and unconstitutional; and James, unwilling to provoke those whom it was his interest to conciliate, informed both houses by message that having sent for the author, and considered his explanation of the objectionable passages, he had determined to suppress the work, and to look on those who should defend it as his enemies. Cowell expiated his offence by a short imprisonment; the sale of his book was forbidden by proclamation*.

2°. A motion to inquire into the legality of the impositions had been made and entertained in the house of commons. James, in a speech which scandalized the saints and alarmed the patriots, read them a long lecture on the numerous points in which kings were the representatives and the images of God. Like him they could make and unmake, exalt and debase, give life or death: like him they were the judges of all, but accountable to none; and like him they claimed both the affections of the souls and the services of the bodies of their subjects. If it were blasphemy to deny the power of God, so it was sedition to deny the power of the king. Such was he as king in the abstract; but, as king of England, it was, and always would be, his intention to govern according to the law of England. He was always ready "to make the reason appear of his doings," but would never suffer any question to be made of his power. He therefore forbade them to dispute the right of levying impositions, though if they thought proper they might enquire into the exercise of that right†. But the prohibition

* Journals of Commons, 400. 409. Of Lords, 561. 563. Coke's Detection, 59.

† James's Works, 529. Journals of Lords, 597. Of Commons, 430. The king's speech gave much discontent. He strained the prerogative so high that men began to fear "they should not leave to their successors that freedom they received from their forefathers, nor make account of any thing they had, longer than they listed that governed." Winwood, iii. 175. The writer of the letter hinted, however, that the treasurer would maintain his doings, knowing that though men storm ever so much, yet *vane sine viribus iræ*. Ibid.

was disregarded: they appointed a committee to search for precedents, and the discussion occupied the house during the remainder of the session. In favour of the prerogative the crown lawyers appealed to the "reverence" of past ages, and to the possession of present times: they maintained that the practice of imposing duties on imports and exports had been in full vigour during the reigns of the three first Edwards; and that, if it had been interrupted from Richard II. to Mary (an interval of two centuries), it had been renewed by that princess, and continued by her sister Elizabeth. It was replied that none of the more ancient precedents bore any resemblance to the late illegal measure; they were licenses for the import or export of forbidden articles, or attempts to raise money in times of necessity, which had always excited complaint, and had generally been followed by redress; that the instance alluded to in the reign of Mary, though illegal in itself, was reasonable in its motive, as it proved to be no more, in fact, than an expedient to defeat an evasion of the duty fixed by the law*; and that to raise money by the sole authority of the crown was contrary to magna charta, to the statute de tallagio non concedendo, and to twelve other parliamentary enactments. It is evident that the opposition members had the better of the argument, though they had to contend against the eloquence and ingenuity of sir Francis Bacon, the solicitor-general †.

3°. To exonerate themselves from the feudal burthens the commons demanded the abolition of purveyance, and the exchange of every other kind of tenure into that of free and common soccage. To the first the king made

* The exporters of wool, to evade the high duty, manufactured it into a very coarse kind of cloth, which paid only four shillings and fourpence. Mary, as a compensation, raised this duty to five shillings and sixpence.

† Winwood, iii. 175. See Bacon's argument in his works, ii. 223. The answers of Hakewell and Yelverton in Holwell, ii. 407—519. Boderie, v. 371. 355. Salisbury, to excuse his conduct, alleged the example of the last lord treasurer, the assent of the merchants which he had obtained, and the judgment of the barons of the exchequer. "So that if there was a fault, he was still rectus in curia." Birch's Negotiations, p. 220.

no objection; but he absolutely refused, as dishonourable to himself, and to the gentility of England, to reduce all his subjects, "noble and base, rich and poor, to hold their lands in the same ignoble manner." It was at length resolved that the honours, rents, personal services, suits in courts, escheats and reliefs, should remain, while wardships, the marriages of infants and widows, and other onerous and oppressive services, should be done away. On these terms the lords accepted the office of negotiating between the king and the commons. James gradually reduced his demand from 300,000*l.* to 220,000*l.* per annum; they gradually rose from 100,000*l.* to 180,000*l.* The difference was not great; but each party refused to advance another step, till the threat of a dissolution prevailed on the commons to make a last offer of 200,000*l.*, which was gladly accepted by Cecil, as the fruit of his address and perseverance. Nothing remained but to assign the funds from which this new revenue was to be raised; but the session had been protracted into the midst of summer; it was agreed to resume the subject after the prorogation, and the paltry aid of one subsidy, and one tenth and fifteenth, was granted for the support of the royal household during the interval*.

4°. Besides these great objects of contention, the commons presented several petitions for the redress of particular grievances, to which the king replied principally at the end of the session. Some he granted: to others he promised to give the most serious attention: a few he unequivocally refused†. Among them the reader

* Journals of Commons, 416. 448. 451. Of Lords, 660. 662. Winwood, iii. 129. 131. 145. 153. 155. 193. 201. Lodge, iii. 189. A tenth and a fifteenth were a fixed sum, 36,500*l.*; a subsidy varied in amount. In the beginning of Elizabeth's reign it is said to have reached to 190,000*l.*, at the end to no more than 78,000*l.* (Journals, 448.) On this occasion, though the three counties of Northumberland, Cumberland, and Westmoreland were rated for the first time, it raised only 69,666*l.* Abstract of his majesty's revenue, p. 71.

† To the complaint that some of his proclamations tended to alter the law, others to inflict punishment before trial, James answered that he would revise his proclamations, reform them where cause should be found, and

will be surprised to learn that there was one praying that, in cases of prosecution for capital offences, the prisoner might be allowed to bring forward witnesses in his own defence. James replied, that he could not in conscience grant such an indulgence. It would encourage and multiply perjury. Men were already accustomed to forswear themselves even in civil actions: what less could be expected, when the life of a friend was at stake * ?

During these protracted disputes there was one subject on which all parties were, as usual, unanimous, the persecution of the catholics. At the petition of the two houses, James issued a proclamation against priests and jesuits; an act was passed praising the ability displayed by him in his controversy with Bellarmine, and ordering, under the penalty of premunire, that all persons under the age of eighteen should take the oath of allegiance framed by his majesty, and, "for the reformation of married women, popish recusants," it was provided that they should be committed to prison, and remain there till they would receive the sacrament in the church, unless they should be redeemed by their husbands, with the payment of 10*l.* per month†. The Oct. 16. loss of the journals has deprived us of the particulars of the next session: but we know that the commons added to their former demands; that the king pertinaciously adhered to his last offer; and that, after Dec. 6. repeated threats, he prorogued the parliament for nine 6.

issue none which were not conformable to the laws, or to the practice of his predecessors in cases of necessity. *Lords' Journals*, 659. *Somers' Tracts*, ii. 162. In consequence the judges were consulted respecting two proclamations, one prohibiting new buildings in and about London, the other the making of starch from wheat. The counsellors urged that every precedent must have a beginning: that, if there were no precedent for such things, it was time to make one, in order to support the royal prerogative. But the judges replied that no proclamation could make that an offence which was not one before, because that was to alter the law, which could only be done by act of parliament. Proclamations were useful to inform the subjects of the penalties to which offenders were liable by law, but they could effect nothing more. 12 *Coke's Reports*, 74.

* *Journal of Commons*, 451; of *Lords*, 658. *Winwood*, iii. 198.

† *Stat. iv.* 1162.

weeks. This interval was employed in secret intrigues to weaken the ranks of the opposition: but the attempt
 1611. failed; and on the appointed day the parliament was
 Feb. dissolved*. To Cecil the failure of his favourite plan
 9. proved a source of the most bitter vexation†. He had indeed negotiated treaties with the French monarch and the states-general, both of which powers promised to pay by distant instalments their debts to the English king. But these offered at present no sufficient resource. The treasury was empty; the officers of the
 Nov. crown demanded their salaries; and the old expedients
 29. were repeated of offering a portion of the crown lands for sale, and of sending privy seals for loans of money into the different counties‡. But he lived not to see
 1612. the effect of these measures. His constitution sunk
 May under the depression of his spirits§. The waters of
 3. Bath produced no alleviation; and he expired at Marl-
 24. borough on his way back to London||.

* Journals of Lords, 684, 685. Winwood, iii. 194. 235. Boderie, v. 492. 510.

† Much praise has been given to him for his disinterestedness in this attempt, as he would have lost his lucrative office in the court of wards. Winwood, i. 41. But, if we may believe Boderie, an indemnification for himself entered into his plan; he meant to demand 40,000*l.* in money, and 200*l.* a-year in land. Boderie, ap. 10. vol. v. p. 189. On the 17th of July he hinted his loss to the commons; and on the 19th sir Maurice Berkeley moved that the house would remember the honour, the dignity, and the profits of the earl, who thus surrendered so valuable an office. Journals, 451, 452.

‡ Winwood, iii. 235. 239. 301. "The privy seals are going forth, but from a trembling hand, least that sacred seal should be refused by the desperate hardness of the prejudiced people." Ibid. 309. They raised, however, 111,046*l.*, which was not repaid five years later. Abstract, p. 11. There was also a silver-mine in Scotland, which excited great expectations. Boderie, iii. 198. 162. 189. 424. It produced ore to the value of 1000*l.*, which in working cost 3059*l.* Abstract, p. 10. 13.

§ Winwood, iii. 339. "What is worst of all, he is melancholy, and heavy spirited; so it is on all hands concluded that his lordship must shortly leave this world, or at least disburden himself of a great part of his affairs." 338. February 17.

|| "Your majesty hath lost a great subject and a great servant. But, if I should praise him in propriety, I should say that he was a more fit man to keep things from getting worse, but no very fit man to reduce things to be much better. For he loved to have the eyes of all Israel a little too much on himself, and to have all business still under the hammer, and like clay in the hands of the potter to mould it as he thought good, so that he was more in operation than in opore." Bacon, vi. 52.

While Cecil had laboured in vain to supply the wants of the treasury, the king's attention had been occupied by occurrences within the circle of his own family. The reader is already acquainted with his cousin-german, Arabella Stuart. Her descent, like his own, from Margaret, the eldest daughter of Henry VII., had formerly taught him to look upon her as a rival; and a suspicion haunted his mind, that her pretensions, if they were suffered to survive her, might prove dangerous to his own posterity. He treated her indeed as his kinswoman, granting her a pension for her support, and allotting her apartments in the palace: but at the same time he secretly condemned her in his own breast to a state of perpetual celibacy. In her childhood she had been acquainted with William Seymour, son to lord Beauchamp: their friendship as they grew up ripened into a more tender passion; and an officious courtier revealed 1611 to the king that Seymour had made to her a proposal of marriage. New terrors instantly sprung up in the 2. royal mind; for Seymour had also pretensions to the crown, being equally descended from Henry VII. through 10. Mary, the sister of Margaret. The lovers were twice summoned before the council, reprimanded for their presumption, and forbidden on their allegiance to marry without the royal permission*. They submitted till the next interview: a furtive marriage took place; and Arabella, when she reflected on her disobedience, sought to quiet her apprehensions with the recollection of a promise which she had recently extorted from James, that he would not oppose her union with any nobleman, provided he were one of his own subjects. A few days dissipated the illusion. He was committed to the Tower —*she* to the custody of sir Thomas Parry, at Lambeth †.

* Winwood, iii. 117. 118.

† Boderie, v. 357. Winwood, iii. 201. Melville, the Scottish minister, who had been committed for a sarcastic epigram on the altar in the royal chapel, welcomed Seymour with the following lines:

* *Communis tecum mihi causa et carceris, Ara-*

Bella tibi causa est, araque sacra mihi.—Winwood, *ibid.*

Their fate, however, excited pity. Stolen interviews were suffered by the negligence or the connivance of the warders; and the king, to ensure their separation, ordered Arabella to be removed to the city of Durham. She refused to leave her chamber: but the officers carried her in her bed to the water-side, placed her in a boat, and conveyed her to the opposite bank. She had reached Barnet, when James, on the report of his own physician, relented, and allowed her to reside a month at Highgate, for the recovery of her health. There her

June apparent resignation to the royal will deceived all around

4. her; and, on the very day on which the bishop of Durham departed to provide lodgings for his distinguished guest, she left the house in male attire, rode to Blackwall, and, descending the river, was taken up by a French bark, hired for the purpose*. At the same hour, Seymour, disguised as a physician, passed unsuspected through the western gate of the Tower. A boat was in readiness to convey him to the bark: but the French captain, agitated by his fears, refused to wait, and, in opposition to the entreaties of Arabella, proceeded out to sea; while Seymour, uncertain of the course taken by his wife, prevailed on a collier, for the sum of forty pounds, to land him on the coast of Flanders. The intelligence of their escape revived and confirmed the apprehensions of James, who attributed it to some deep and unknown conspiracy to place them on
- 5: the throne. But in the course of the day the French bark, which lay off the Nore, still waiting for Seymour, was taken after a short action by an English cruiser,

* "Disguising her selfe by drawing a pair of great French-fashioned hose over her petticoats, putting on a man's doublet, a man-lyke per-
"ruque with long locks over her hair, a blacke hat, black cloake, russet
"bootes with red tops, and a rapier by her syde, walked forth between
"three and four of the clock with Mr. Markham. After they had gone on
"foot a mile and a halfe to a sorry inne, where Crompton attended with
"their horses, she grew very sicke and faine, so as the ostler that held
"the styrrup said that gentleman would hardly hold out to London. Yet
"being set on a good gelding astride in an unwonted fashion, the stirring
"of the horse brought blood enough into her face, and so she rid on to-
"wards Blackwall." Winwood, iii. 279.

and the unfortunate Arabella was consigned to the Tower. At first she bore her fate with fortitude, consoling herself with the recollection that her husband was safe. But to her petition for liberty James replied that, "as she had tasted the forbidden fruit, she must pay 'the forfeit of her disobedience.'" After some time the rigour of her confinement was increased in punishment of some additional offence; and her mind, yielding to despair, betrayed symptoms of derangement. In the fourth year of her imprisonment she expired, the victim 1615.
of an unfeeling policy, which, to guard against an uncertain and imaginary danger, scrupled not to rob a female relative of her liberty and life*. She was interred privately in the night at Westminster, in the same vault to which the remains of the unfortunate Mary queen of Scots had been removed. Sept. 27.

While the king thus punished the marriage of his cousin Arabella, he was busily engaged in negotiating marriages for his son Henry and his daughter Elizabeth. Henry, the heir apparent, had reached his eighth year. There existed but little affection between him and his father. James looked on him with feelings

* Winwood, iii. 442. 454. Mr. D'Israeli has collected much interesting information respecting Arabella in his new series of the *Curiosities of Literature*, i. 256—291. Elizabeth Cavendish, countess of Shrewsbury, aunt to Arabella, was at the same time sent to the Tower, on a charge of having been her adviser. The latter, in the presence of the council, answered every question regarding herself, but begged to be excused saying anything to the prejudice of the countess, who resolutely refused to answer at all. She had made, she said, a vow not to reveal any of the particulars, and demanded, if there were any charge against her, to be tried by her peers.—James, imitating the conduct of Elizabeth in the case of the earl of Essex, ordered her to appear before certain commissioners, consisting of the chancellor, the archbishop, several lords of the council, and four of the judges. By them it was declared, 1^o that the refusal to answer questions put by royal authority was a high contempt of the king, whether the respondent were nobleman or commoner: 2^o that, as they formed not a court of justice, they had no authority to judge, but only to admonish the countess of the offence and of its consequences: and 3^o that the offence, if the cause had been brought before the star-chamber, would have been visited with a fine of 20,000*l*, and imprisonment during pleasure. Howell's *State Trials*, ii. 770—775. On this occasion lord Coke numbered, among the privileges of the peerage, exemption from torture in cases of high treason. *Ibid.* 773. Lady Shrewsbury remained in the Tower till the death of Arabella, when she was discharged. Truth brought to Light, p. 70.

of jealousy and even of awe; and the young prince, faithful to the lessons which he had formerly received from his mother, openly ridiculed the foibles of his father, and boasted of the conduct which he would pursue, when he should succeed to the throne. In the dreams of his fancy he was already another Henry V., and the conqueror of his hereditary kingdom of France*. To those who were discontented with the father, the abilities and the virtues of the son became the theme of the most hyperbolical praise: the zealots looked on him as the destined reformer of the English church; some could even point out the passage in the apocalypse which reserved for him the glorious task of expelling antichrist from the papal chair†. With the several matches prepared for him by his father, it were idle to detain the reader; his marriage, as well as his temporal and spiritual conquests, was anticipated by an untimely death, which some writers have attributed to poison, some to debauchery, and others, with greater probability, to his own turbulence and obstinacy. In the pursuit of amusement he disregarded all advice. He was accustomed to bathe for a long time together after supper, to expose himself to the most stormy weather, and to take violent exercise during the greatest heats of summer. In the spring of 1612 a considerable change was remarked both in his appearance and temper: he spent the month of September in the country in his usual manner, hunting, feasting, and playing at balloon 1612. and tennis, and, on his return to Richmond, found himself so ill that the court physicians were consulted. His Oct. 10. indisposition, however, increased; and in the course of a fortnight he expired, to the great sorrow of the people, Nov. 6. who in their conjectures did not spare even the reputa-

* Raumer, ii. 205, 6. 9.

† Osborne, 264. Harrington tells us that the following rhyme was common in the mouths of the people:—

“ Henry the eighth pulled down the abbeys and cells,
But Henry the ninth shall pull down bishops and bells.”
Nugæ Antiquæ, ii. 3.

tion of his father. From the journal of his sickness, and the report of the surgeons who opened the body, it is evident that he died of a malignant fever*.

The princess Elizabeth was the only survivor of four daughters, and, after her two brothers, the next heir to the throne. She had many suitors, among whom the most distinguished were the young king of Spain, the prince of Piedmont, and Frederic count palatine of the Rhine. Of these, James, allured by the splendour of the alliance, preferred the first: but to his suit strong opposition was made both by the zealous protestants in England, and by the papal nuncio in Spain. The former trembled lest by the marriage the right to the succession might eventually fall to the Spanish kings; the latter deprecated the introduction of a protestant princess into a family which had been so long distinguished by its attachment to the catholic creed†. Of the other rivals the pretensions might in many respects be considered as equal: but the profession of the reformed faith by Frederic gave him the preponderance; and, as soon as the articles of the marriage had been signed, he came to England to receive his young and beautiful bride. A long succession of feasts and amusements had been prepared to celebrate the event: but the unexpected death of prince Henry threw a gloom over the court; and the mourning continued for twelve weeks. At Christmas James ordered the court to mourn in satin: two days later the parties were solemnly affianced

Oct. 16.

Dec. 27.

* *Anlicus Coquinaris*, 239. 241—251. Hearne's Otterbourne, pref. Somers' Tracts. ii. 231—252. "Ex febris contumaci, quæ ubique a magnis et insularis fere insolitis siccitatibus ac fervoribus orta per ætatem populariter grassabatur, sed raro funere: dein sub autumno erat facta lethaliſſor." Bacon, vi. 60.

† The objection was that, though the children would be educated in the faith of the father, it was very possible that early impressions received from the mother might induce them to leave it at a later period of life. MS. letter in my possession. This objection seems not to have been groundless. Elizabeth's brother, Charles, married a catholic princess; and his two sons Charles II. and James II., though educated protestants, both became catholics before their death.

1613. to each other *: and at last on Valentine's day the marriage ceremony was performed †. Never had the

14. English court appeared in such splendour. The king, the queen, and the prince were covered with the jewels belonging to the crown; and the nobility (no one was admitted under the rank of baron) vied with each other in magnificence of dress. Elizabeth, who was only in her sixteenth year, wore a white robe of silver tissue, with a coronet of gold on her head, and her long hair flowed in tresses on her shoulders, and reached as low as her knees. She was conducted by her bridemen, the young prince her brother on one hand, and the aged earl of Northampton on the other; and was followed by twenty bridesmaids of her own age, dressed in white and embroidery, and bearing her train ‡. She ascended the platform in the royal chapel with a lightsome foot and smiling countenance: the palatine performed his part with accuracy and gravity; but the princess, whether it were from joy or levity, disturbed the solemnity of the scene by a low titter, which soon burst into a loud laugh. The ceremony was concluded with public rejoicings: but the superstitious considered the conduct of the bride as ominous of misfortune; and the disastrous consequences of the marriage were afterwards thought to have verified their anticipations §.

* "The king was present, brought in a chaire, for he was then so gowtie he could not goe, and the queene, no way affecting the match, kept her chamber. The contract was read by sir Tho. Lake, the palsgrave and the ladie Eliz. placed in the midst, which done, my lord of Cant. gave them a long and large benediction." MS. Letter of Mr. Lewkner.

† See their first meeting and the marriage in Winwood, iii. 403, 434, 435. Somers' Tracts, iii. 40. Philoxenis, p. 11. Wilson, 64. and Balfour, ii. 45. Their espousals in Ellis, iii. 110. note. To defray part of the expense the king levied the feudal aid of twenty shillings on every knight's fee, and on every twenty pounds of lands held in soccage. (Rymer, 732, 735.) It produced £30,500. (Abstract of Revenue, p. 11.) The total expense amounted to £53,294, exclusive of her portion of £40,000. Ibid. p. 14.

‡ "The king's majestie was in a most sumptuous black sute, the queen attired in white sattin." Somers' Tracts, iii. 40.

§ See account of the masks and balls, by Spifame in Raumer ii. 227. The "fire-works, and fight of ships above the bridge with castles, beacons, and blockades," and presents, are said, in a letter of the time, to have cost an immense sum. MS. letter.

From the king's children we may pass to his favourites. From the commencement of his reign, he had surrounded himself with several of his countrymen, on whom his partiality had lavished wealth, and offices, and honours: but among them there was no individual, as long as Salisbury lived, who seemed to possess exclusively his affection, and to monopolise the distribution of favours. The death of that powerful minister allowed James to follow his own inclinations: he first selected Robert Carr, and afterwards George Villiers, as objects of peculiar attachment; and these, the creatures of the royal caprice and bounty, soon acquired the government of the king himself, and through him of his three kingdoms.

Carr owed his brilliant fortune to accident. At a tilting-match the lord Hay had appointed him his equerry, to present his shield, according to custom, to the king. In the performance of this duty, Carr was thrown from his horse, and broke his leg in the fall. James ordered the young man to be carried into a neighbouring apartment, sent a surgeon to attend him, and repeatedly visited him in person. He found that Carr, when a boy, had been his page in Scotland, and was of the family of Fernyherst, the son of one who had suffered much in the cause of the unfortunate Mary Stuart. The plea of his services and those of his father was aided by the beauty of his person*, and the ingenuousness of his answers. Pity insensibly grew into affection: James looked on his patient as an adopted child; he even took the pains to instruct him in the Latin grammar; and, what was more to the purpose, in "the craft of a courtier†." After his recovery he was

* This fellow is straight-limbed, well-favoured, strong-shouldered, and smooth-faced. *Nugæ Antiquæ*, i. 390.

† "The prince leaneth on his arm, pinches his cheek, smooths his ruffled garments. The young man doth much study art and device: he hath changed his tailors and tiremen many times, and all to please the prince. The king teacheth him Latin every morning, and I think some one should teach him English too: for he is a Scotch lad, and hath much need of better language." *Ibid.*

daily distinguished with marks of the royal favour: riches and honours poured upon him; the lands which escheated to the crown, and the presents offered by those

1611. who solicited his mediation with the sovereign, gave him
 Mar. a princely fortune: and he was successively raised to
 25. the honours of baron Branspeth, viscount Rochester,
 May and knight of the garter. Still he affected to take no
 13. part in the conduct of affairs, till the earl of Salisbury
 1612. died, when several important offices became vacant, and
 May the hope of obtaining them, or the places of those who
 24. might obtain them, filled the court with a multitude of candidates. Of these many sought the protection of the two Howards, the earl of Suffolk, lord chamberlain, and the earl of Northampton, lord privy seal; while others professed themselves the dependants of the young favourite, the viscount Rochester. The court was agitated by intrigue, jealousy, and enmity; and James, for more than a year, balanced between the two parties, seeking in vain to reconcile their opposite pretensions*. It was, however, a fortunate time for Rochester, who, though he held no official situation, transacted business as prime minister and principal secretary†. Unequal to the task himself, he employed the aid of sir Thomas Overbury, who, from Carr's first introduction to the king, had been his guide and assistant. Overbury was an able and

1611. artful counsellor, but violent, capricious, and presuming.
 Nov. Though he had been banished from the court for an
 8. insult offered to the queen, he was soon recalled at the solicitation of Rochester; but he could never obtain the good-will of the monarch, who continued to look on him as a rival in the affections of his favourite, and the fomentor of the factions which divided his ministers. By the public he was courted on account of his influence with his patron: valuable presents were given to secure

* "These offices have in the time of their emptiness been the subject of notorious opposition between our great viscount and the house of Suffolk." Reliq. Wotton, p. 408.

† Birch, Negotiations, 349, 350.

his favour; and on the morning of the 21st of April he Apr. boasted to sir Henry Wotton of his good fortune, and of 21. the flattering prospects, which lay before him. Yet that very day before sunset he was committed a close prisoner to the Tower*. The occasion of his disgrace was the unfortunate passion of the viscount for the lady Frances Howard, the daughter of the lord chamberlain, Suffolk. At the age of thirteen she had been married to the earl of Essex, who was only a year older than herself. Immediately after the ceremony, the bridegroom proceeded to the university, and thence to the continent; the bride was consigned to the care of her mother, who bestowed more attention on the ornamental than the moral education of her daughter. The young lady Essex became the boast of the court; and her wit, her beauty, and her acquirements, raised her above competition: but when her husband returned, she received him with manifest tokens of dislike, and, if she occasionally consented to live with him in the country, it was always owing to the peremptory commands of her father. The meetings between them were short: he complained of the coldness of his wife; she spent her time in tears and recriminations—till at last these dissensions produced on the part of each a rooted antipathy to the other. At court she had many admirers, among whom were prince Henry and Rochester. But the latter was the favoured lover; and in one of their furtive meetings it was proposed that she should sue for a divorce from Essex, and afterwards marry the viscount. Her father and uncle were led by political motives to approve of the project; and the king, who could recollect a similar proceeding whilst he reigned in Scotland, hailed it as the means of extinguishing the rivalry between his favourite and his two ministers: but by Overbury, though he had hitherto been the pander to their pleasures, it was decidedly and violently opposed†. He foresaw the ruin of his own

* Reliq. Wotton, 408—410. Winwood, iii. 447. State Trials, ii. 993. Birch, 329. 340.

† "You wonne her," he says "by my letters." Winwood, iii. 479.

hopes in the reconciliation of his patron with his enemies : he objected the " baseness of the woman," and the infamy of such a marriage ; and he declared that he both could and would throw an insuperable obstacle in the way of their union *. Rochester had the weakness to betray his adviser, and Frances in her fury offered 1000*l.* to sir John Wood to take Overbury's life in a duel : but her friends suggested a more innocent expedient to remove him from court, by sending him on an embassy to France or Russia. His inclination was first sounded by the archbishop of Canterbury, and then an order that he should accept the mission was brought to him by the lord chancellor and the earl of Pembroke. He refused, observing that the king could not in law or justice exile him from his country. This answer was April pronounced a contempt of the royal authority, and the 21. delinquent was committed, with the consent of his patron, to the custody of the lieutenant of the Tower †.

Within a few days proceedings for a divorce between the earl and the countess of Essex, on the ground of physical incapacity, were instituted before a court of delegates appointed by the king. All the judicial forms usual on such occasions were carefully observed ; but the details are not fit for the eye of the general reader. With the public a suspicion existed that both the parties in the suit, and the judges who pronounced in their favour, acted in opposition to the dictates of their consciences ; and it was reproached to James, that, instead of remaining a silent spectator, he had spontaneously come forward, and exerted himself in the progress of the cause with the warmth and partiality of an advocate ; an indiscretion which probably was prompted by affection to his fa-

* This was repeatedly asserted at the trials, and acknowledged by Rochester himself. But what was this obstacle ? I cannot conceive that he could prevent the marriage in any other way than by revealing the secret of their private amours for the last twelve months, and the real object of the divorce. See his letter in " Truth brought to Light," 47.

† Winwood, iii. 447. 453. Wotton's letters in his Reliquæ, 408. 411, 412.

vourite, whose gratitude or policy unexpectedly relieved the immediate wants of his sovereign with a present of 25,000*l*. * However that may be, the king undertook to browbeat the judges; he answered their arguments †; he forbade them to take additional examinations; he increased their number; and at last procured a decision in favour of the divorce, by a majority of seven to five ‡. Overbury lived not to be acquainted with this judgment. On the preceding day he expired, after a confinement of Sept six months; during which he had not been permitted 15. to see his friends, or to communicate with them by letter. The time, the manner of his death, the reported state of the body, and its precipitate interment, provoked a general suspicion that he perished by poison.

After a short delay, Frances Howard was married in the royal chapel to her lover, who, that she might not lose in title by the exchange, had been previously Nov. created earl of Somerset. At the ceremony she had the boldness to appear with her hair hanging in curls to her 4. waist, the appropriate distinction of a virgin bride: the king and the chief of the nobility honoured the nuptials with their presence, and a long succession of feasts and masks, in which the city strove to equal, if not to out- 26. shine, the court, attested the servility of the men, who,

* "We being at a dead lift, and at our wit's end for want of money, he sent for some officers of the receipt, and, delivering them the key of the chest, bid them take what they found there for the king's use; which they say was four or five and twenty thousand pounds in gold." Winwood, iii. 453.

† "If a judge should have a prejudice in respect of persons, it should become you rather to have a kind of implicit faith in my judgment, as well in respect of some skill I have in divinity, as also that I hope no honest man doubts the uprightness of my conscience; and the best thankfulness that you, that are so far my creature, can use towards me, is, to reverence and follow my judgment, and not to contradict it except where you may demonstrate unto me that I am mistaken, or wrong informed." King's letter to archbishop Abbot. State Trials, ii. 862.

‡ See the proceedings with a long account of the whole by archbishop Abbot, in Howell, ii. 785—862. That prelate considered it a case of witchcraft, and recommended to the parties a course of prayer, alms, and fasting. Most of the judges who favoured the nullity were rewarded by the king, but severely censured by the public. The son of Bilson, the bishop of Winchester, was knighted in consequence, and was always afterwards known by the name of sir Nullity Bilson. Ibid. 829.

to ingratiate themselves with the royal favourite, could make public rejoicings in celebration of a marriage, which in private they stigmatised as adulterous and illegal*.

This event sealed the treaty of union which had been negotiated between Somerset and his opponents, and extinguished the feuds which had so long distracted the royal councils. There remained but one source of solicitude, that which haunted the king till his death, the want of money. The failure of every temporary expedient proved that the real remedy was to be sought in the benevolence of the nation; but James had already suffered so many defeats in parliament, his nerves were so agitated at the idea of a new contest, that, to overcome his repugnance, his advisers "undertook" (from the word they acquired the name of undertakers) to secure a decided majority in favour of the court. In former reigns it had been found sufficient for this purpose, if the chancellor made known the wishes of the prince to the sheriff: in the present, all the influence of the crown, and of the servants of the crown, was employed; and the result demonstrated that there existed among the people a spirit decidedly hostile to the prevailing system of government. The king opened the session with a conciliatory speech, which he followed up with a request for pecuniary aid, and an offer to redress a multitude of minor grievances, enumerated in the petitions of the last parliament. But little attention was paid to the royal message. 1°. The house resounded with complaints of the arrogance of the undertakers, who had interfered with the liberty of election, and had violated the privileges of the commons. The validity of several returns was debated: a question was even raised, whether the attorney-general, sir Francis Bacon, (he had succeeded sir Edward Coke, on the elevation of the latter to the bench, in 1613,) could legally sit in the house; and, if he was ultimately permitted

1614.
April
5.

* Wilson, 72. Raumer, ii. 232.

to retain his seat for the present session, it was only on April account of some pretended necessity of state, and with 11. an understanding that the indulgence should not be extended to his successors in office *. 2°. Instead of passing to the consideration of the supply, the commons devoted their time to the questions which had already given so much offence, the claim of the king to levy "impositions," and grant monopolies. 3°. Some expressions, attributed to the bishop of Lincoln, in the higher house, set the lower in a ferment. He was reported to have said, that to dispute the right of imposition was to lay the axe to the root of the prerogative; and to have hinted his apprehensions that, in a projected conference, words might be used of an inflammatory and seditious tendency. The commons called on the lords to punish the man who had thus slandered their loyalty, and received for answer, that the bishop had disclaimed, with tears and protestations, all intention of May offending that house, for which he entertained the highest 31. respect †.

This explanation did not satisfy his enemies; but the patience of James was exhausted; he commanded the commons to proceed to the consideration of the supply, June and punished their disobedience by a hasty dissolution. 7. The next morning the most violent and refractory of the 8. members were called before the council; they were told, that, though the king had given them liberty, he had not authorised licentiousness of speech; and five of the number were committed to the Tower. Neither could they obtain their discharge before they had revealed the

* On searching for precedents it was admitted that members of that house had been made attorneys to the king without vacating their seats; but no instance had occurred in which a person actually invested with the office had been returned a member.

† *Lords' Journals*, 713. According to the present practice, one house is supposed to be ignorant of what passes in the other: but the lords, instead of vindicating their privilege, merely hinted at it in their answer: that they had given contentment to the commons for the better expediting of his majesty's business; but "that here-after no member of their house ought to be called in question, when there is no other ground but public "and common fame." *Ibid.*

names of their prompters and advisers, who, in their turn, were called before the council and imprisoned. In the quaint language of the time this was called the addle parliament*.

July 13. The death of the earl of Northampton, which followed in the course of a week, occasioned a new distribution of offices at court. Suffolk was made lord treasurer; Somerset succeeded him in the office of chamberlain, acting at the same time, but without any patent of appointment, as lord privy seal; and every inferior department, which was not filled by their relatives or dependents, was sold without scruple to the highest bidder†. Their great solicitude was to discharge the interest, and to prevent the increase, of the king's debts; and with this view, besides the temporary expedients so often before adopted, they had recourse to a benevolence, which was at first confined to persons in office, but afterwards required from others‡. James himself suggested another measure, a reduction of the expenses of his household, to which his ministers consented, but with considerable reluctance, fearing probably, what they afterwards experienced, that all who should suffer from the new system of economy,

* They were, 1^o. sir Walter Chute, "who, to get the opinion of a bold man after he had lost that of a wise, fell one morning into an insipid and unseasonable declamation against the times." 2^o. John Hoskins, who "is in for more wit, and for licentiousness baptized freedom." 3^o. Wentworth, a lawyer, "whose fault was, the application of certain texts "in Ezekiel and Daniel to the matter of impositions;" and 4^o. Christopher Nevil, "a young gentleman fresh from the school, who, having gathered together divers latine sentences against kings, bound them up in "a long speech." *Reliquiæ Wottonianæ*, 433.—This was the first parliament in which the commons, to exclude catholics, made an order that every member should publicly receive the sacrament before he took his seat. *Journals*, 457.

† Thus lord Knolles was made master of the court of wards without purchase, because he had married a daughter of lord Suffolk, while sir Fulk Greville, for the chancellorship of the exchequer, gave 4000*l*. to lady Suffolk and lady Somerset. *Birch, Negotiations*, 380.

‡ The benevolence produced 53,909*l*. Abstract of his Majesty's Revenue, p. 12. Mr. Oliver St. John had declared in a letter that benevolences were against law, reason, and religion, and was in consequence fined 5000*l*. in the star-chamber. *State Trials*, ii. 899. His doctrine was admitted in respect of benevolences extorted by threats or violence, but not of such as were voluntary. Were they ever voluntary?

would hasten to join the ranks of their political opponents.

In the sale of offices, that of cup-bearer had fallen to George Villiers, a younger son of sir Edward Villiers, of Brookesby, in Leicestershire. He was tall and well proportioned; his features bespoke activity of mind and gentleness of disposition; and a short residence in the court of France had imparted to his manners that polish, which James had sufficient taste to approve in others, though he could not acquire it himself. The new cup-bearer immediately attracted the notice of his sovereign; his answers to different questions improved the favourable impression made by his external appearance; and the warmth with which the king spoke in his commendation, suggested to the earls of Bedford, Pembroke, and Hertford, the idea of setting him up as a rival to Somerset. The resolution was taken at a great political entertainment given at Baynard's castle*; and archbishop Abbot was employed to solicit the co-operation of the queen. After many refusals she consented, though her reply proved her thorough acquaintance with the character of her husband:—"My lord, you know not what you desire. If Villiers gain the royal favour, we shall all be sufferers. I shall not be spared more than others. The king will teach him to treat us all with pride and contempt†." On St. George's feast the 1615 cup-bearer was sworn a gentleman of the privy chamber, April 23. with a yearly salary of 1000*l.*: and the next day, while 24. he was employed in the duties of his new office, he received the honour of knighthood.

From that moment the influence of Somerset declined. The court was divided into two parties, anxiously bent on the depression of each other, and all who had

* Aul. Coq. 261.

† Abbot, who himself tells the anecdote, observes that the king "would never admit any to nearness about himself, but such as the queen should commend to him, that if she should complain afterwards of *the dear one*, he might make answer, it is long of yourself, for you commended him unto me. Our old master took delight strangely in things of this nature." Rushworth, i. 446.

envied the prosperity, or had suffered from the ascendancy of the favourite, attached themselves to the rising fortunes of his competitor*. The suspicion that Overbury had met his death by poison had been kept alive by successive rumours; it had even been whispered that the murder might be traced, through the inferior agents, to Somerset and his countess; and an opening to the discovery was made by an incautious avowal of Elwes, the lieutenant of the Tower, to the earl of Shrewsbury. Secretary Winwood, at the instigation of the archbishop, and under a promise of protection from the queen, ventured to communicate the circumstance to James, who proposed certain questions to Elwes in writing, and, from his answers, learned sufficient to doubt the innocence not only of lady Somerset, but also of his favourite. Partly through a sense of justice, and partly through the fear of infamy, he despatched an order to sir Edward Coke, the lord chief justice, to make out a warrant for the commitment of the earl. Still he kept him in ignorance of his approaching fate; he admitted him into his company as usual;

Aug. 1. and was found by the messenger at Royston, embracing the neck, and kissing the cheeks, of Somerset. That nobleman complained of his arrest in the royal presence, as of an insult, but was silenced by the ominous exclamation of James, "Nay, man, if Coke sends for me, I must go;" to which was added another as soon as his back was turned, "The devil go with thee, for I will never see thy face mair." In a short time Coke arrived, to whom James committed the investigation of the matter, concluding with this imprecation, "May God's curse be upon you and yours, if you spare any of them; and on me and mine, if I pardon any †"

Coke executed the task with more than ordinary zeal,

* Birch, 383, 384.

† There are several accounts of the parting of James and Somerset. I have followed that given by Roger Coke in his detection. See Weldon, 100. Secret History of James, i. 409. ii. 222, 223. Howell's State Trials, ii. 965.

stimulated, perhaps, by the fear of incurring the suspicion of partiality, on account of his previous obligations to Somerset. After three hundred examinations, he presented a report to the king, stating that Frances, countess of Essex, had been in the habit of employing sorcery to estrange the affections of her husband, and to win those of Rochester; that to remove Overbury, the great impediment to the projected marriage of the lovers, a plan was concerted between them and the earl of Northampton; that, by their joint contrivance, Overbury was committed to the Tower, Wade the lieutenant removed to make place for Elwes, and Weston recommended as warder of the prisoner; that the countess having, with the aid of Mrs. Turner, procured three kinds of poison from Franklin, an apothecary, intrusted them to the care of Weston; that by him they were administered to Overbury, with the privacy of Elwes; and that at last the unfortunate gentleman perished in prison, a victim to the malice or the precaution of Rochester and his mistress*.

In this story nothing appeared wanting but a more satisfactory cause for the murder of Overbury. To discover this was no difficult task to sir Edward Coke, who prided himself on the facility with which he could detect what was invisible to all others. In a letter from Overbury he found mention of the secrets of Somerset: these he contended must be seditious or treasonable practices; and with the aid of a few conjectures, he boldly charged the earl with the murder of prince Henry†. The queen immediately caught, or perhaps

* Bacon, iv. 470. Reliq. Wotton, 427. It is said that Coke having obtained possession of the pocket-book of Forman the conjuror, whom the countess of Essex and other court ladies used to consult, found in the first page the name of his own wife. Weldon, iii. There is in a tract, entitled "Truth brought to Light," p. 7—70, a long account of this affair, but so blended with error, that it deserves no credit.

† This letter has been published from the original. Winwood, iii. 478. There is no reason to conclude from it that the secrets were of importance to the public. Overbury says nothing of revealing them to the govern-

pretended to have caught, the alarm. She had no doubt, she asserted, that a plan had been proposed to poison her, her son Charles, and the prince palatine, for the purpose of marrying the princess Elizabeth to Thomas, the son of the earl of Suffolk, and brother to the countess*. But James did not suffer himself to be misled by the terrors of his wife, or the suspicions of the chief justice: the only charge to which he gave countenance was, that the earl had received money from Spain, and had promised in return to deliver Charles, the heir apparent, into the hands of the Spanish monarch†.

The minor criminals, Weston, Turner, Franklin, and Elwes, were first brought to the bar. That they had been accessory to the murder, seems plain from the report of their trials; yet many at the time attributed their conviction to a conspiracy against Somerset, and this opinion derived confirmation from the ambiguous language of some of the sufferers at the place of execution‡. Sir Thomas Monson was next arraigned: he had recommended Weston to be the warder of Overbury, and was exhorted by Coke to confess his guilt, and throw himself on the mercy of the king. But he rejected the suggestion with scorn, and to the surprise of the public was taken from the bar to the Tower, and in a short time recovered his liberty§.

ment; but that he had written a history of the whole acquaintance between him and Somerset, from which his friends, to whom he should send copies, might be convinced of the earl's ingratitude.

* The French ambassador in his despatch of Dec. 22, apud Carte, iv. 33.

† Bacon, iv. 90.

‡ Sir J. Hollis, sir J. Wentworth, sir Thomas Vavasour, sir Henry Vane, and Mr. Sackville, rode up to the gallows, and called on Weston to confess the fact, if he were guilty. "Fact or no fact," he replied, "I die worthily." The gentlemen were charged in the star-chamber with an attempt "to slander the king's justice;" and Hollis and Wentworth were condemned to suffer a year's imprisonment, and to pay a fine of 1000*l*. Bacon, iv. 447. Weston suffered, on Oct. 23, Turner, on Nov. 3, Elwes, on Nov. 16, and Franklin, on Dec. 9.

§ Wilson says that on this occasion Coke's wings were clipped, and Monson set at liberty, because the chief justice alluded to the death of prince Henry. Wilson, 702. Coke's wings, as the reader will see, were clipped for

The remaining trials were deferred till the arrival of Digby, the ambassador at the court of Spain, to whom orders had been transmitted to repair to England; but from him nothing could be learnt to impeach the loyalty of Somerset *. The affection of James began to revive. His reputation required that he should bring his ancient favourite to trial; but he proposed to save him from punishment by withdrawing him from the bar as soon as the verdict should be returned; and, when he was informed that according to law judgment must follow, he announced his determination to grant him a pardon, and with this view forbade the attorney-general to exaggerate the offence, that the prisoner might not appear unworthy of mercy. The earl was repeatedly advised to confess himself guilty, and assured that the king would grant him his life and fortune. "Life and fortune," he indignantly replied, "are not worth the acceptance, "when honour is gone †." To escape the disgrace of

another cause; and Monson was reserved till Digby's return home from Spain to be examined about the Spanish treason. Had he been previously convicted, his confession on that head could not have been admitted as evidence.

* Bacon, vi. 89, 90. Birch, 392.

† See the artifices employed to draw Somerset to a confession, and the king's wish on that head in Bacon, vi. 101. Cabala, 38—38. 53. Howell's State Trials, ii. 963. Archæologia, xviii. 385. Many writers have attributed the anxiety of James to his knowledge that Somerset was in possession of some portentous secret, which he might be provoked to reveal to the ruin of the royal character. I have no doubt that it arose from affection. The following extracts from the king's letters to sir George More, lieutenant of the Tower, are highly interesting. "God knoweis it is only a trikke of his ydle braine, hooping thairby to shifte his tryall, but is easie to bee seene, that he wolde threattin me, with laying an aspersion upon me of being in some sorte accessorie to his crime. . . . If he wolde write or sende me any message concerning this poysoning, it needis not be private; if it be of any other bussinesse, that quickle I can not now with honor ressave privatlie, I may do it after his tryall, and serve the turne as well; for excepte ather his tryall, or confession preceede, I can not heare a private message from him without laying an aspersion upon my selfe of being an accessorie to his crime." Archæol. 355. On the 9th of May, James sent, in great secrecy, Somerset's former secretary with such proposals that "if thaire be a sponke of grace left in him, I hoape thaye shall worke a goode effecte." Ibid. 356. On the 13th, he ordered the lieutenant to repeat the offer, with a promise that it should be enlarged. "I meane not," adds the king, "that he shall confesse if he be innocent, but ye knowe how evill lyklye that is. . . . lett none living knowe of this: and if it take goode effecte, move him to sende in haiste for the commissioners to give thaim satisfaction, but if he remaine ob-

a trial he earnestly solicited admission to the royal presence, or at least to be permitted to write a private letter to the king. When this was refused he assumed a bolder tone, and endeavoured to work on the fears of James, by declaring that at the bar he would take ample vengeance on the prince, who had betrayed him into the power of his enemies. As the day approached he asserted that he would not leave his chamber: he feigned sickness or insanity; and made or pretended to make, like sir Walter Raleigh, an attempt on his own life. But the king was inexorable. He commanded the lieutenant of the Tower to employ force, if it were necessary, and to inform his prisoner, that if he indulged in irreverent language with respect to the sovereign, he would be removed from the bar, without any stay of the proceedings on account of his absence. Hence it has been inferred that Somerset was in possession of some important secret, the disclosure of which would inflict indelible disgrace on the king. To me this conclusion appears questionable. No man was better acquainted with the royal disposition than the fallen favourite: his obstinacy, his menaces, and his despair were probably meant as appeals, sometimes to the timidity, sometimes to the feelings of James; and to the partial success of these appeals may be attributed the solicitude of the king to procure his conviction without rendering him undeserving of pardon.

By the exhortations of Whiting, the minister who had attended the other prisoners, the countess had been induced to confess the murder. She was therefore separately arraigned before the peers. She looked pale, trembled while the clerk read the indictment, and at the

"stinate, I desyre not that ye shoulde trouble me with an ansoure, for it is to no ende, and no newis is better than evill newis." Ibid. 356, 357. On the day preceding the trial, when Somerset appeared furious, the king sent lord Hay and sir Robert Carr to him, and ordered the lieutenant, if Somerset should still refuse to go to the bar, to do his duty. He concludes thus, "if he have saide any thing of moment to the lord Haye I expecte to heare of it with all speede, if otherwayes, lette me not be trublit with it till the tryall be past." Ibid. 358.

name of Weston, covered her face with her fan. As May soon as she had pleaded guilty, Bacon, the attorney-general, stated to the court the evidence which he should have produced, had he found it necessary: but he had previously the precaution to remove her from the bar, that she might not interrupt him to maintain the innocence of her husband. At the conclusion of his speech, she was recalled, and received judgment of death *.

Though Bacon by this artifice had prepared the court to believe the guilt of Somerset, he looked forward with anxiety to the result; for it was, he observed to the king, a different thing to obtain a verdict from a London jury, and to convince the house of lords. The earl, contrary to expectation, appeared at the bar cool and collected: he never mentioned the king; but he rejected every exhortation to confess, haughtily maintaining his innocence, objecting to the relevancy of the evidence, and explaining away circumstances which seemed to make against him. After a long trial the peers found him guilty: but by many this judgment was attributed more to the power of his enemies, than to the cogency of July the proofs †. Within a few days the countess received a 11. pardon; the same favour was refused by the earl. He was, he said, an innocent and injured man, and would accept of nothing less than a reversal of the judgment. But some years later, aware of the malice of his adversaries, and of the alienation of the prince, he sought 1624. that which he had before rejected, and received with it Oct. a promise of the restoration of his property. Within 7.

* Bacon, iv. 465. vi. 103. State Trials, ii. 951—961. Carleton's letters, 29.

† In a letter to James, Somerset pretends that if he could have had access to the king, his crime would have proved no crime, and that he fell, rather for want of well defending, than by the violence or force of any proofs; for he forsook himself and his cause. Cabala, 231. On the envelope of the king's letters to sir G. More was this among other things. "I have often taulked with Mr. James, his chyfe servant, who ever wase of opinion yt. my lord was clere, and my ladie only guiltie: for one time Mrs. Tournour tolde him that litell did my lord knowe what she had adventured for his ladye. But the truth is king James wase wearye of him. Buckinghame had supplid his place." Loseley MSS. 406. note.

four months, however, James died; and Somerset solicited, but in vain, the fulfilment of the promise from the pity or the equity of his successor. The countess died in 1632; the earl survived her thirteen years*.

The fall of Somerset was followed by the disgrace of the man whose industry had detected the murder of Overbury, the celebrated lawyer sir Edward Coke. In professional knowledge Coke stood pre-eminent: but his notions were confined and illiberal, his temper arrogant and unfeeling. He was always ready to exalt the prerogative at the expense of popular rights; and in state prosecutions hunted down his victim with the eagerness and the sagacity of the bloodhound, sparing neither fraud nor falsehood to ensure a conviction. He had crept slowly and cautiously through the several gradations of office, till James advanced him to the chief seat, first in the court of common pleas, and next in that of the king's bench. Previously, his course had been marked by the most abject servility: but from the moment that he saw himself graced with the ermine, the sycophant assumed a tone of independence and authority which surprised the king, and provoked the hostility of his rivals and equals. The demise or resignation of lord Ellesmere, the chancellor, was daily expected; and Coke looked forward to that high office as due to himself: but his pretensions exposed him to the malicious insinuations of Bacon, who also aspired to the great seal; and a secret compact seems to have existed between James and his attorney-general to precipitate the down-

* It is but justice to Somerset, to add what he says of his own services in a petition to Charles; that during the three years he was in power, he opposed all suits for honours and reversions of offices, lest the king and his successors should have nothing left to give in reward to their servants; that he found a resolution taken after the death of Salisbury, to disafforest all the royal parks and forests, and to sell all the crown lands, reserving only an increase of rent; this also he prevented; that he never would receive of the king any gift of crown lands, or customs; and whatever he did receive, was such as either took nothing from the king, or brought with it an increase to the revenue; and that he made himself many enemies by opposing both the suitors and the ministers for the advantage of the crown. *Archæologia*, xvii. 288.

fall of the chief justice. Coke for some time had acted as if he thought that all other tribunals were subordinate to his own. The judges of the admiralty and the high commission court, of the court of requests and the duchy of Lancaster, even the presidents of the provincial councils of the North and of Wales, complained that their jurisdiction was invaded and impaired by the prohibitions which he issued from the king's bench. The court of chancery—suits, solicitors, counsel, and judges—was thrown into commotion by his threat that he would visit with the penalties of premunire all who sought and all who granted relief in equity, after judgment had been pronounced in the king's bench*: and the court of star-chamber itself began to tremble for its claims, when its power to levy damages was denied by so high an authority.

But there were other causes of offence which sunk more deeply into the king's breast. In the council he opposed legal objections to almost every intended exercise of the prerogative; and in the cases of Peacham and Owen had not only dissented from his colleagues, but had even opposed the infallible judgment of James himself†. His opinion that the late benevolence was

* He founded his opinion on the language not the spirit of the statute, which forbade causes to be carried from the king's courts to "other courts." These last words meant the spiritual courts: but Coke included also courts of equity as distinguished from those of law. Bacon, vi. 84. Cabala, 31. 33. "Many principal men, who have their dependence in the court of chancery, have been indicted in the king's bench of a premunire." Carleton's letters, 45.

† Peacham had written a defamatory sermon, which was never preached but found in his study, complaining of the king's expenses of keeping "divided courts" for himself, his queen, and his son, of his gifts for dances and banquets, of the costliness of his dress, of the frauds of his officers, &c. Questions were framed to discover his motives and advisers, and answers were required from the old man (he was above sixty years of age) "before torture, in torture, between torture, and after torture, by the express command of the king." Dalrymple, i. 56—58. James was so incensed that he maintained the offence to be high treason; *ibid.* 61: while Coke said that it might be defamation but not treason, because it did not amount to disabling the royal title. He was tried and condemned in Somersetshire, Aug. 7, 1615, and died in prison in the following spring. Bacon, v. 336 vi. 78, 87. State Trials, ii. 870—879. Owen's crime was the assertion that princes excommunicated by the pope might be put to death. Owen pleaded that this was no treason, because James had not been ex:

illegal, though he was afterwards obliged to retract it on his knees, and to give a contrary decision in the star-chamber, had induced numbers to withhold their money and in a case of commendam he had presumed to proceed with the cause in defiance of the royal prohibition. By James his conduct on these occasions was felt as a personal injury, and Bacon was careful to represent it as proceeding from a wish to gain popularity at the expense of the prerogative.

- The archbishop, the chancellor, and the attorney-general, were commissioned to collect for the royal information all the offences of the chief justice, and he received an order to abstain in the interval from the June council chamber, and, instead of going the circuit, to
 30. spend his time in correcting the errors and innovations contained in his book of reports. James, however, declared that he meant to show him favour, if he would humble himself, and confess his delinquency: but when
 Oct. his answer was received, that he had discovered but five unimportant mistakes, the king, attributing it to pride and obstinacy, forbade him, in punishment of "his deceit, contempt, and slander of government," to take his seat on the bench, and, a month later, substituted
 Nov. Montague the recorder of London in his place*.

15. This event gave new confidence to the ambition of Bacon. He had freed himself from his great rival, and had earned the esteem of the sovereign by his fearless advocacy of the prerogative. Still Ellesmere, though his age and infirmities admonished him to retire, clung with the most vexatious pertinacity to the emoluments of office; and, by repeatedly recovering when he was thought on the point of death, exercised and irritated

communicated, and therefore the words could not apply to him. In opposition both to the king and to the other judges Coke maintained that the answer was good. At last, though with reluctance, the chief justice in some sort recanted, by admitting that he was in error to suppose that the king had not been excommunicated; he now believed that he had, and that of course Owen's words were treasonable. Bacon, iv. 440. v. 351. vi. 80. 87. State Trials, ii. 679—883.

* Bacon, vi. 122—129. 397—410. Carleton's letters, 75.

the patience of the attorney-general. That officer, however, steadily pursued his course, till he obtained the reward of his servility. He laboured to secure the good services of the new favourite, pretended on all occasions Nov the most sincere affection for the lord chancellor, now 7. created viscount Blackley, and on every relapse of the infirm old man reminded James of his own merits and pretensions. At length Brackley felt the approach of that hour which within a fortnight closed his mortal ex- 1617. istence: he sent to the king his resignation; and the Mar. seals were confided to Bacon, with the title of lord-keeper, 3. a sufficient pledge that if he continued to give satisfac- 7. tion he would shortly be advanced to the dignity to which May he had so long and so ardently aspired *. 27.

Hitherto in this chapter the attention of the reader has been confined to the domestic occurrences from the year 1606 to 1617: the remainder will be distributed under three heads: 1°. the king's transactions with foreign powers; 2°. his attempts to establish episcopacy in his native kingdom; and 3°. his plans for the government and colonization of Ireland.

I. In 1607 the eyes of all the European nations were fixed on the negotiation at the Hague. After a contest of forty years both the king of Spain and the United Provinces had grown weary of hostilities. Philip had learned to doubt the result of an attempt which originally appeared of easy execution. He even feared that the partial success which had lately thrown a lustre on his arms might lead to a consummation which he dreaded; and that his revolted subjects, rather than submit to the rule of their ancient masters, would throw themselves at the feet of his rival, the king of France. On the part of the Hollanders, the most moderate and most able statesmen equally longed for peace, provided peace were cou-

* Bacon's patent was dated on the 30th of March, and on the 28th of May, John, the son of the chancellor who died on the 15th of March, was created earl of Bridgewater, in consequence of a promise made to Brackley when he resigned.

pled with the recognition of their independence. It was indeed true that they had hitherto been able to maintain the contest against their formidable antagonist; but they knew that, if they had not fallen in so long and arduous a struggle, it was owing not to their own strength, but the support which they had received from England and France. Now, however, on the king of England, unwilling from the timidity of his temper to draw the sword, unable from his poverty to supply their wants, no reliance could be placed; and accident or policy might at any moment deprive them of the king of France, who, though he had proved a faithful, was well known to be an interested friend. In this temper of mind the offer of an armistice, preparatory to a treaty, had been gratefully accepted by the states: the king of Spain and the archduke agreed to consider them during the conferences as an independent government; and first the French king, afterwards the English, sent their respective envoys to act the part of mediators between the adverse powers. The progress of this important negociation is foreign from the plan of the present history: it will be sufficient to observe that, after many debates, the hope of a permanent peace vanished; that in its place a long truce was suggested; and that at last, partly through the entreaties, partly through the firmness of the mediating powers, a cessation of hostilities was concluded for the space of twelve years.

1607.
April
24.
22.

Aug.
1.

1609.
Mar.
29.

Much occurred during the conferences to prove how low the king of England was sunk in the estimation of his contemporaries. It was believed that he had not the spirit to engage in war, and that, however forcibly he might advise the states to persevere, he would infallibly abandon them in the time of need. Prince Maurice had even the boldness to tell the English ministers to their face, that their master dared not open his mouth in contradiction to the king of Spain. Hence the French during the negociation assumed a superiority, which was impatiently but silently borne by their allies. But

if James derived little honour from his mediation, he had reason to be satisfied with the result. It secured for a long time at least, and probably for ever, the independence of the states; a point of paramount importance, since their reduction by Spain, or their voluntary submission to France, was equally pregnant with danger to the commerce and the greatness of England; and, what the king probably valued still more, he obtained the partial relief of his pecuniary wants, by receiving from the Hollanders the acknowledgment of a debt of more than 800,000*l.*, with a stipulation that it should be discharged by instalments in the course of fifteen years*.

About the conclusion of the treaty an event happened 1609 which threatened to rekindle the flames of war throughout the greatest portion of Europe. The death of John duke of Cleves, Juliers, and Berg, without children, exposed his dominions a tempting prey to the ambition of several competitors. The rightful heir appears to have been either the elector of Brandenburg, or the duke of Newburgh: but a claim was also advanced by the elector of Saxony, and another by the emperor Rodolph. The pretensions of the latter alarmed all those princes whom religion or policy had rendered enemies to the greatness of the house of Austria. By their advice the elector of Brandenburg, a protestant, and the duke of Newburgh, Mar.

25.

31.

* See Birch, *Negotiations*, 267—296. Winwood, tom. i. ii. *passim*. Jeanin, tom. i. ii. Boderie, tom. i. ii. iii. iv. *passim*. It may be observed that such was the general bigotry at this period, that, though the king of Spain offered a most valuable consideration, and the king of France added his earnest prayer, the states would on no account tolerate the catholic worship within their dominions, at a time when the majority of the inhabitants of Utrecht, Friesland, Groningen, Overysse, and Guelderland, were of that religion. The council in England thought that, as little more was demanded than was already permitted, "some midways might be found to compose that difference." Winwood, ii. 428. Aug. 1608. But the States were resolute, and the truce was concluded without any provision in favour of toleration. See it in Dumont, v. par. ii. 99. In fact the English commissioners were instructed not "to scandalize themselves" in that matter; they spoke "with resolution" against toleration, and at their departure, when the French ambassador requested them not to oppose so equitable a request, they answered that "their silence would betray their service to God, and their duty to their king." Winwood, ii. 430. iii. 50.

a catholic, consented to govern the disputed territory in common, and a league for the expulsion of the Austrian, who had already taken possession of Juliers, was formed by the kings of England and France, the United Provinces, and the protestant princes of Germany. The allies assembled a small army: but the king of France ordered no fewer than 30,000 men, with fifty pieces of cannon, to march towards Juliers. So formidable a force, compared with its ostensible object, proved that Henry nourished in his mind some secret purpose of much greater importance; and there can be little doubt that he now meant to execute his favourite plan of humbling, by a common union of the European powers, the house of Austria, and of confining it for the future

- May within the Spanish Peninsula. But three days before
 4. his proposed departure to join the army, he received a mortal wound, as he sate in his carriage, from the hand of an assassin named Ravillac*. The murder of the king put an end to his project: but his successor did not depart from the league, and 10,000 Frenchmen having joined 4000 English commanded by sir Edward Cecil, placed themselves under the prince of Anhalt, the general in chief of the combined forces. Juliers was soon won: the elector and the duke took possession of the disputed territory; and the war died away through
 Aug 21. the inability of the emperor to prolong the contest †.

If James was unwilling to measure weapons with an enemy in real war, he gloried to meet an adversary in the bloodless field of theological controversy. He had opposed the puritan ministers at Hampton court; he had written against Bellarmine, the champion of the catholics; and he now resolved to mingle in the fray between the Arminians and Gomarists in Holland. The disputes which divided these theologians were not

* On this murder see a dissertation by Griffet at the end of the xii. vol. of Daniel's *Histoire de France*, edition of 1756.

† See the negotiations on this subject in the fifth volume of *Bederic*, and the third of *Winwood*. Dumont, v. part ii. 121—137. 153. 160.

more useful, they were certainly less innocent, than the subtleties of the ancient schoolmen. For the subjects of their studies they had taken the doctrines of grace and predestination, universal redemption and free will; and plunging fearlessly into the abyss, persuaded themselves that they had sounded the depth of mysteries, which no human understanding can fathom. Had they indeed confined themselves to speculative discussion, the mischief would have been less; but the heart-burnings, the excommunications, the persecutions to which these controversies gave birth, were evils of the most alarming magnitude. In Holland the first reformers had established the Calvinistic creed in all its rigour. Arminius, the pastor of the great church at Amsterdam, and afterwards professor at Leyden, had adopted another system, which he deemed more conformable to the benevolence of the Deity, and less revolting to the reason of man. War was soon declared between the partisans of these opposite opinions; each sought the support of the temporal power; and the followers of Arminius addressed a remonstrance, the rigid Calvinists a contra-remonstrance, to the states of Holland. Politics always mingle with religious dissent; not that there exists any natural connexion between them, but that statesmen are aware of the advantage to be derived from the attachment of a religious party to their interests. The patriot Barneveldt assumed the defence of the remonstrants, while prince Maurice of Nassau, his opponent in the state, placed himself at the head of their adversaries. James, whose early education had imprinted on his mind a deep reverence for the speculative opinions of Calvin, viewed the controversy with interest, and was not slow in condemning the presumptuous ignorance of Arminius. On the death of that professor, the curators of the university offered the vacant chair to Vorstius, a divine whose abilities were universally admitted, but who had occasionally indulged

in novel and extraordinary opinions. His orthodoxy was disputed by the contra-remonstrants; but he repelled the charge before the states, and took possession of the office. By James the result was considered as a victory gained by the Arminians. However, during the progress, archbishop Abbott placed in his way a treatise formerly published by Vorstius; and the king with his pen culled out, in the short space of an hour, a long list of heresies.

His piety was shocked; he determined to spread the
 1611. egis of his infallibility over the cause of orthodoxy in
 Sept. Holland; and Winwood the ambassador, by his orders,

11. accused Vorstius, before the states, of heresy and infidelity, of denying or misrepresenting the immensity, spirituality, and omniscience of the godhead, and of throwing out doubts of the divinity of Christ. The Hollanders, though they answered with respect, resented this interference of a foreign power in their domestic concerns, and James in return sent them an admonition under his own hand. He was willing that, "if the professor would excuse his blasphemies, he should escape the stake, though no heretic ever deserved it better; but he could not believe that, on any defence or denial which he might make, they would allow him to retain his office. They should remember that the king of England was the defender of the faith; and it would be his duty, if such pestilent heresies were suffered to nestle among them, to separate from their communion, and to seek with the aid of other foreign churches in common council assembled, how to extinguish and remand to hell such abominable doctrines." Even this admonition was without effect; and the ambassador renewed his remonstrance in still sharper terms.

Nov. He received an evasive answer: and, after a decent
 13 delay, protested in public against the errors of the pro-
 Dec. fessor, reminded the states that the alliance between
 9. England and Holland reposed on the basis of purity of religion, and concluded with a very intelligible hint,

that they must abandon the protection of Vorstius, or forfeit the amity of James*. The king at first applauded the activity and spirit of his minister; he pronounced Winwood a man according to his own heart; but his ministers remonstrated; he began to accuse the ambassador of indiscretion; and in a conference with the Dutch envoy, he laboured to mollify the asperity of the protest†. Still he did not recede from his resolution; he even ventured to appeal to the press, and published a short work in French, entitled a Declaration against Vorstius‡. The states saw the necessity of appeasing 1612. the orthodoxy of their ally. They had already incurred Feb. his resentment; they feared still more the irritation 18. which would follow a controversy between the two theologians; and Vorstius was ordered not only to quit Mar. Leyden, but to purge himself from the imputation of 16. heresy, by refuting the doctrines with which he had been charged§.

But the removal of the professor did not restore tranquillity. The remonstrants gradually acquired the ascendancy in the three provinces of Holland, Overijssel, 1619. and Utrecht, the contra-remonstrants in those of Guelderland, Zealand, Friesland, and Groningen. Each party, true to the intolerant spirit of the age, was eager to employ the civil sword against its theological opponents, and the republic was in danger of being torn into fragments by the violence of men who could not

* Winwood, iii. 293—296. 304. 309. The following were the distinguishing doctrines of the remonstrants: 1^o. that predestination was founded on the merits of Christ and the perseverance of man; reprobation on God's prescience of man's obstinate infidelity: 2^o. that Christ, according to the decree and will of his Father, had paid the price of redemption for all men without any exception: 3^o. that there was not in God any secret will opposed to his revealed will, by which he testifies that he wills and seeks the salvation of all men: 4^o. that efficacious grace may be resisted: 5^o. and that believers often fall from faith, and perish through their own fault. Acta. Synod. Dordr. 126. 129.

† Ibid. 316—320. 331.

‡ His ambassador at the Hague had already been commissioned to find out "some smart Jesuit with a quick and nimble spirit to bestow a few 'lines against the atheisms of the wretch.'" Ibid. 311. It appears that such a one was found. Ibid. 318. 323. 330.

§ Ibid. 348. See Fuller, l. x. p. 60.

agree on the speculative doctrines of predestination and reprobation. James proposed to the states a national council, as the only remedy to the evil; and the suggestion was as eagerly accepted by one party, as it was haughtily rejected by the other. Both were supported in their obstinacy by the political views of their leaders, Barneveldt and prince Maurice; of whom the first was charged with a design of restoring the provinces to the Spanish crown, the other with the project of raising himself to the sovereignty. After a long struggle, the command of the army gave the victory to Maurice: he successively changed the magistrates in the towns of Overijssel and Utrecht, and then ventured to arrest his great opponent, Barneveldt, with the two pensioners, Grotius and Hogerbets. From that moment the hope of the Arminians vanished; the magistracy of Holland was reformed, and the synod was appointed to be held at Dort. The Calvinist churches of Geneva and the palatinate sent deputies; and James, who, as the original adviser of the measure, could not refuse his concurrence, commissioned two bishops and two theologians to attend as representatives of the church of England, and a fifth, a Scotsman by birth, but a member of the establishment, as representative of the kirk of Scotland. It was a singular spectacle to behold the two prelates sitting as the colleagues of ministers who had not received ordination from the hands of bishops, and voting with men who held episcopacy to be the invention of Satan. They attended the debates, moderated the violence of the disputants, and subscribed to the canons; but with this exception, that they protested against the article which reduced to a level the different orders of the hierarchy. The decrees of the synod were ratified with the blood of Barneveldt, who, after a mock and secret trial, was sacrificed as a traitor to the ambition of the prince, and with the more moderate sentence of perpetual imprisonment pronounced on Grotius and Hogerbets. To satisfy the king of England, the synod condemned the works of

Vorstius; and the reigning party in the states, to preserve the ascendancy, resolved to extirpate their opponents. Seven hundred families of Arminians were driven into exile, and reduced to beggary by the political fanaticism of their brethren and countrymen*.

II. The reformed church of Scotland, when it had obtained a legal establishment, was in reality a religious republic, which presented the singular spectacle of a gradation of elective judicatures, composed partly of laymen, partly of ministers, possessing and exercising with despotic sway every species of ecclesiastical jurisdiction. The lowest authority was that of the incumbent and the lay elders, who formed the parochial assembly. A certain number of these assemblies, classed together on account of their vicinity, constituted the presbytery, which heard appeals, confirmed, annulled, or pronounced censures, and decided on the admission, the suspension, or the deprivation of ministers. The presbytery, however, though armed with extensive powers, was subordinate to the provincial synod, and this, in its turn, submitted to the superior jurisdiction of the general assembly, which was supreme on earth, and owed no allegiance in matters of faith or discipline but to Christ, its spiritual sovereign. That James, as head of the church of England, should aspire to the same pre-eminence in his native kingdom of Scotland, is not surprising; but he had more powerful motives than mere ambition to urge him to the attempt. The maxim, "no bishop, no king," was deeply impressed on his mind, and he saw, or thought he saw, danger to the throne, in the disposition and principles of the Scottish clergy. They were men of bold untamable characters; their efforts to establish a republican form of church govern-

* See the despatches of Carleton, the English ambassador, throughout the volume. The controversy has been considered as a contest for political power. It certainly was so with regard to prince Maurice and Barneveldt: but James seems to have interested himself in it chiefly from the motive of defending, as he calls them, the ancient doctrines of the reformed churches.

ment had led them to discuss the authority of the civil magistrate, and to inculcate principles of resistance to unjust and despotic sovereigns ; and the doctrine of predestination, the duty of extemporaneous prayer, and the habit of denouncing scripture judgments against sinners, had imparted to their minds, and to the minds of their hearers, a tinge of the most gloomy, and, in the royal estimation, of the most dangerous enthusiasm. Hence, to overthrow the fabric raised by Knox and his disciples became the chief object of the king's policy in Scotland. He made the attempt, and was apparently successful. With the aid of intrigue, and bribery, and force, he at length imposed bishops on the kirk ; but the clergy and the people remained attached to the presbyterian discipline ; their loyalty was shaken by the violence offered to their religious prepossessions ; and the very measure by which James sought to uphold his own throne, aided to subvert, in the course of a few years, that of his son and successor.

He began by nominating clergymen of known and approved principles, to the thirteen ancient Scottish bishoprics. This step created little alarm. The new prelates had neither jurisdiction nor income ; they were only parochial ministers of the churches from which they derived their titles. But by progressive steps,
 1606. every deficiency was supplied. An act of parliament
 July. restored episcopacy ; and an act of the general assembly,
 9. procured by the arts of the minister, made the bishops
 Dec. moderators both of the synods and of the presbyteries
 10. within which they officiated*. The repeal of the
 statute annexing the episcopal lands to the crown, enabled the king to endow their respective sees ; and the erection of two courts of high commission, in virtue of the prerogative alone, invested them with powers more extensive than they could have possessed by their

* Almost all the presbyteries and synods refused to submit. Calderwood, 565—569.

ordinary authority. At a convenient time, three of the 1610. number repaired to England, received the episcopal Oct. ordination from the English bishops*, and after their 21. return, imparted it to their colleagues. At last it was 1612. enacted by parliament, that all general assemblies should be appointed by the sovereign; that the prelates should have the presentation to benefices, the exclusive power of suspending or depriving incumbents, and the right of visitation throughout the diocese; and that every clergyman, at his admission, should take the oath of supremacy to the king, and of canonical obedience to the bishop.

If James had thus accomplished his design, it was owing to the address of sir George Home, lord treasurer and earl of Dunbar. That minister leaving to the theological talents of his master the more difficult task of convincing the understandings of the Scottish clergy†, 1605 made it his object to work on their hopes and fears, July their prejudices and passions. 1°. In defiance of the 2.

* Camden, Annals of James, 643. Rymer, xvi. 706. Wilk. Con. iv. 443. Spotiswood, 514. Calderwood, 580.

† James had ordered five of the prelates and eight ministers to wait on him in England. The latter refused to assent to any proposal, on the plea that they were commissioned to hear, but had no power to treat. He required an answer to these questions: Were they willing to ask pardon for their offence in praying for the condemned ministers? had he not the right to appoint, suspend, and prevent their meetings? could he not, in virtue of the royal authority, call before him all persons, ecclesiastical as well as civil, and punish them for their offences? (Spotiswood, 497.) But the king harangued, the English bishops preached, in vain. Andrew Melville had the presumption to ridicule in a Latin epigram the service in the royal chapel, and was imprisoned in consequence. Some months afterwards he was called before the council, and behaved with such freedom and insolence, within the hearing of the king, that he was committed to the Tower. Many accounts have been given of the occurrence: the following is by the French ambassador:—"Ledit Melvin fut si aigre en sa réponse, tant contre ce qui étoit du roi, que contre la personne particulière dudit comte, (de Salisbury) que celui-ci demeura sans réplique. A son secours vint l'archevêque de Cantorbéry, puis le comte de Northampton, puis le trésorier, auxquels tous il lava la tête de telle sorte, n'épargnant aucuns de vices ou publics ou privés dont chacun d'eux est taxé, (car il ne sont point anges) qu'ils eussent voulu qu'il eût été encore en Ecosse. Finalement ne le pouvant induire en sorte quelconque à jurer la primatie, et ne sachant comment autrement se venger de lui, ils l'envoyèrent prisonnier à la Tour." Boderie, May 8, 1607, vol. ii. 208. In 1611 he was liberated and sent into banishment at the request of the duke of Bouillon. Boderie, v. 517. 531. 540.

royal prohibition, the ministers from nine presbyteries had presumed to hold "an assembly" at Aberdeen.

1606. Six of the most refractory objected to the authority of the council, and on that pretext were tried and condemned as traitors. It was an act of illegal and disproportionate severity*; but the prisoners gladly exchanged the crown of martyrdom for a life of banishment; and their colleagues were taught that the power of the sovereign was not to be braved with impunity. 2°. When the general assembly at length met by the royal permission, the lord treasurer was careful to purchase the voices of some, and the silence of others, by a dexterous distribution of forty thousand marks. It was not that these holy men could be corrupted by bribes; but they felt no scruple to accept the arrears of former salaries, or a compensation for their expenses during the journey†. 3°. Dunbar knew that, in the estimation of the more zealous, the extirpation of idolatry was paramount to every other duty. To induce them to yield to the wishes of the king, with respect to the superiority of bishops, he placed at their mercy the persons and property of the idolatrous papists. The compromise was accepted. The parliament enacted laws of recusancy; the clergy issued sentences of excommunication, and every catholic nobleman was compelled to receive an orthodox minister into his family, and was forewarned that, unless he should conform within a given period, his obstinacy would be punished with judgment of forfeiture. At the same time the prisons were filled with victims of inferior quality; and so severe was the persecution, that according to the statement of the French ambassador,

* The charge was that they had rejected the authority of the privy council, grounded on the act of 1584, "for maintaining his majesty's royal power over all estates." Spotiswood, 489. Balfour, ii. 10. The jury was packed by Dunbar. Dalrymple's Memorials, i.—4.

† Calderwood, 556. 565. Balfour, ii. 18. Spotiswood, (p. 513) defends them: "Certain of the discontented sort did interpret it to be a sort of corruption, giving out, *That this was done for obtaining the ministers' voices.* Howbeit the debt was known to be just, and that no motion was made of that business before the foresaid conclusions were enacted."

the fate of the Scottish was still more deserving of pity than that of the English catholics*.

At his accession James had promised to bless his countrymen with the royal presence at least once in the space of three years. Fourteen had elapsed, and he had not yet redeemed his pledge. It was not that he was forgetful of the place of his nativity, or insensible to the pleasure of revisiting the scenes endeared to him by the recollections of youth. The great impediment was his poverty. Lately, however, he had restored to the^{1616,} Dutch the cautionary towns of Flushing and Brill for^{May} one-third of the sums for which they were pledged†. ^{21.} With the money he had satisfied the most urgent of the demands on the treasury; and this partial re-establishment of his credit enabled him to obtain, at an interest of ten per cent.; a loan of 96,000*l.* as a fund to defray the expenses of a royal progress to Scotland. But besides¹⁶¹⁷ pleasure, he had two important objects in view,—to reform the administration of justice, which was perpetually impeded by the influence of the hereditary sheriffs, and to complete the assimilation of the Scottish kirk to the English church; a work which had succeeded so far under his servants during his absence, that he doubted not to accomplish the little which remained by his presence. When the parliament assembled, several

* Boderie, ii. 13, 14. 28. iii. 324. 450. iv. 15. "Les catholiques en Ecosse sont encore pis qu'en Angleterre; car outre le peu d'amour que le roi leur porte, il a tant d'envie d'y établir la religion d'Angleterre, et d'en être reconnu pour chef aussi bien-là, comme il est ici, que pour gagner les puritains qui sont les seuls qui l'y empêchent, il leur lâche la bride à toutes sortes d'oppressions contre les catholiques." iv. 23. "Les catholiques d'Ecosse continuent à y être beaucoup plus travaillés qu'ils ne sont par-deça." iv. 346. Idem. 372. "This," says Balfour, was taken as "creame and oyle to softin and smouthe the king's misterious desalnges." ii. 18. The new acts passed against them, and the persecution of the earls of Huntley, Angus, and Errol, and of others, may be seen in Balfour, ii. 22. 26. 28, 29. 32. 33. The Scottish catholics are said, in Winwood, iii. 52, to amount to 27 earls and barons, and 240 knights and gentlemen, besides inferior people. See also Spotswood, 502. 5, 6, 9. 13.

† For 2,728,000 florins, instead of 8,000,000. Rymer, xvi. 783—787. If we may believe Peyton, for this service Winwood received from the states a present of £29,000. Peyton, 358. See the reasons in Carleton's Letters, 28.

June deputies, of principles hostile to the royal views, were
 7. excluded by the sole authority of the sovereign ; but in return, the persons whom he recommended for lords of the articles, were rejected by the peers, who suspected, and not without reason, a design to restore to the church the lands which had been severed from it by the reforming rapacity of their fathers. The king opened the session with a speech, one passage of which was not calculated to flatter the pride, nor to soothe the national antipathies, of his countrymen. He had nothing, he told them, " more at heart than to reduce their barbarity" (such was his expression) " to the sweet civility of their neighbours ; and if the Scots would be as docible to learn the goodness of the English, as they were teachable to limp after their ill, then he should not doubt of success ; for they had already learnt of the English to drink healths, to wear coaches and gay clothes, to take tobacco, and to speak a language which was neither English nor Scottish *." But he had already seen enough to moderate the expectations with which he came to Scotland. Some acts were indeed passed favourable to his purpose ; one appointing commissioners to compound with the hereditary sheriffs, on the conversion of their sherifffdoms into annual offices ; a second granting chapters to the different bishoprics ; and a third enacting, that whatever the king might determine on religious subjects, with the consent of the bishops and of a certain number of clergymen, should be good in law. But against the last, before it was ratified with the touch of the sceptre, a strong remonstrance was offered. James hesitated, and to save his honour, ordered it to be withdrawn, under the pretence that it was superfluous to give him by statute that which was the inherent prerogative of his crown †.

27. On the dissolution of the parliament the king pro-

* See a letter in Bacon, vi. 152.

† Spotiswood, 533. Parl. 1617, ch. i. ii. Bacon, vi. 152.

ceeded to St. Andrew's, where the leading members of the clergy had assembled. Simpson, Ewart, and Calderwood, three of the remonstrants, were brought before the court of high commission on a charge of seditious behaviour, and were condemned, the two first to suspension and imprisonment, the other to perpetual exile.^{10.} The king's will was then signified to their brethren in the shape of five articles, that the eucharist should be received in a kneeling, and not in a sitting posture; that the sacrament should be given to the sick at their own houses, as often as they were in danger of death; that baptism should in similar cases be administered in private houses; that the bishops should give confirmation to youth; and that the festivals of Christmas, Good-Friday, Easter, Ascension-day, and Whit-Sunday, should be observed in Scotland after the manner of England. These demands were received with manifest aversion by all present: but the fate of the three remonstrants acted as a salutary warning, and, instead of opposing the royal will, they fell on their knees, and solicited the king to remit the five articles to the consideration of a general assembly. He assented, on the assurance given by Patrick Galloway that no opposition would be offered; and soon afterwards hastened his departure to England.

It was with difficulty that the Scottish ministers repressed their murmurs in the presence of their sovereign: he was no sooner gone than they spoke their sentiments without reserve. *Their* mode of celebrating the Lord's supper was conformable to the scripture; the administration of baptism, and the custom of receiving the eucharist in private houses, were the relics of popery; the festival of Christmas they considered as the revival of the pagan Saturnalia; those of Easter and Whitsuntide of the ceremonial law of the Jews; in a word, all the articles were pronounced superstitious, and without warrant in the scriptures*. In this temper of mind the as-

Nov.
25

* Examination of the articles of Perth.

sembly was held at St. Andrew's; and the only concessions made to the king were, that the minister should distribute the elements at the Lord's supper, and that sick men might communicate at their own houses, provided they previously took an oath that they did not expect to recover*. James, who had looked for a very different decision, considered it as a mockery and an insult: he ordered the observance of the five articles to be enjoined by proclamation; the council withdrew the 1618. promised augmentation of stipend from the refractory Aug. ministers; and in the next assembly at Perth, lord Binning, the treasurer, procured by his address a majority 25. in favour of the royal demands†. Three years later he 1621. ventured to propose them in parliament; and an act was Aug. passed to enforce a discipline repugnant to the feelings 4. and prepossessions of the people‡. The king had promised to content himself with this concession; he kept his word. The history of his mother and grandmother had convinced him of the stern uncompromising temper of the Scottish religionists; and to his chaplain, Dr. Laud, whose zeal advised more vigorous measures, he replied, that it was better to preserve peaceably what had been obtained, than to hazard all by goading a whole nation into rebellion§.

III. The reader will recollect the wars which, during the last reign, desolated Ireland, and distracted the councils of Elizabeth. In their origin they were similar to those which had existed under her predecessors; they sprung from the love of liberty, and the hatred of foreign domination; but her defection from the church of Rome,

* See lord Binning's letter to the king, Nov. 28, in Dalrymple, i. 84.

† See another letter from the same, *ibid.* 87. After much contestation, instead of putting the separate articles to the vote, the question was proposed, would they in this obey or disobey the king? Eighty-six voted in the affirmative, forty-one dissented.

‡ By a majority of seventy-eight to fifty-one. At the same time he obtained a subsidy in aid of the palatinate of 400,000*l.* Scots, to be paid by instalment in that and the three following years. See the letters of the earl of Melros, which disclose the whole mystery of managing a Scottish parliament. Dalrymple, 108—139. Balfour, ii. 84.

§ Hackett's Life of Williams, part i. 64.

and her attempt to impose a new worship by dint of authority, connected them with religious feelings, and rendered them infinitely more dangerous. Hitherto the natives had been taught to look on the pope as the lord paramount of Ireland; it was a notion encouraged by former kings and parliaments, as a cheap expedient to procure obedience*: but it now re-acted with double force against a princess under the sentence of excommunication and deposition. The champions of independence appealed to the protection of the pontiff, as their feudal, no less than their spiritual, superior. I am not aware that this title was ever positively admitted or rejected; but the popes repeatedly sent them pecuniary and sometimes military aid, and often by letters and messages exhorted the Irish to throw off the English yoke, and to vindicate their country from civil and religious thralldom. With many these exhortations had considerable influence, but the majority of both races continued faithful to Elizabeth; and, though they were tempted by the papal envoys, though they were upbraided as traitors and apostates by their revolted countrymen, the Irish catholics fought under the English colours against Desmond, and formed one half of the loyal army which, under Mountjoy, triumphed over the wiles, the obstinacy, and the despair of Tyrone †.

But the exceptions made to Elizabeth did not apply to James. Against him no excommunication had been pronounced, nor was he a prince exclusively of Saxon or Norman origin. He claimed his descent from Fergus, the first king of the Scots in Albion; and Fergus, as a thousand genealogies could prove, was sprung from the ancient kings of Erin. His accession, therefore, was hailed as a blessing by the aboriginal Irish; they congratulated each other on the event—they boasted that

* Irish Stat. 7 Ed. iv. c. ix.

† See in O'Sullivan a list of the catholic chieftains serving in the English armies, iii. 114; also Morryson, 112. 256. *Pacata Hibernia*, præf. and p. 38. edit. of 1820, and O'Neill's proclamation in Leland, ii. 364.

the sceptre of Ireland was restored to the rightful line in a descendant of Milespane*.

Though an act of parliament had been passed under Elizabeth to abolish the catholic worship in Ireland, it had not been in the power of a handful of protestants to deprive a whole people of their religious rites. If the law were at all obeyed, it was only in the garrison towns, where submission could be enforced at the point of the bayonet, and even in these the great mass of the inhabitants, the chief burghers and the magistrates, secretly cherished their former attachment to the catholic creed. The death of Elizabeth afforded them an opportunity of expressing their sentiments with less restraint, and the announcement of that event was immediately followed by the restoration of the ancient service in Cork, Waterford, Clonmel, Limerick, Cashel, and other places. To the prohibitory commands of the lord deputy, answers were returned in a tone of resolution and defiance; batteries were raised on the walls, and preparations made for resistance, and at Cork blood was shed in different affrays between the military and the citizens. Mountjoy, the lord deputy, acted with promptitude and decision. He collected a strong body of troops, proceeded from town to town, and partly by argument, partly by intimidation, prevailed on the inhabitants to submit. Then, having previously published, under the great seal, an act of "oblivion and indemnity," he left the island, and took with him to England, as the heralds of his triumph, the repentant chieftains, Tyrone and O'Donnel, with their principal retainers†.

But the forcible abolition of their worship, and its consequences, the weekly fines for absence from church on the Sundays, were not the only grievances of which the Irish catholics complained. By law, the oath of supremacy was required from every individual who sought to take literary honours, or to plead at the bar, or to hold

* Lynch, *Alithinologia*, 27. See these genealogies illustrated by Dr O'Connor, *Proleg.* i. 122—144.

† Moryson, ii. 330—342.

the office of magistrate, or to sue out the livery of his lands. Often it was tendered, and the catholic was reduced to the distressing dilemma of swearing against his conscience, or of resigning all prospect of future advancement in life; often it was withheld, yet he still knew that he enjoyed this indulgence by sufferance only, and that he lay at the mercy of the government, and of every malicious or interested informer. Much, indeed, has been said in praise of the forbearance with which these laws were executed in Ireland, during a great part of the present reign; but that forbearance was only occasional, and even then it proceeded not from any just notion of toleration, but solely from a sense of weakness, from a persuasion that "the ripeness of time was not
"ye, come *."

It was soon known in Ireland that the two chieftains had been graciously received by the new monarch; that Tyrone had recovered his former honours, and that his companion had been created earl of Tyrconnel. Encouraged by the intelligence, the catholics sent over a deputation to join the two earls in petitioning for the free exercise of their religion. But James treated the proposal as an insult. It was, he told them, contrary to his conscience: as long as he could find one hundred men to stand by him, he would fight till death against the toleration of an idolatrous worship. Not content with this refusal, he committed four of the deputies to the Tower, where they remained during three months in punishment of their presumption †.

Two years later a proclamation was issued, commanding all catholic priests to quit Ireland under the penalty of death ‡; and an order was sent to the magistrates 4.

* These are the words of Bacon, who adds, "Therefore my advice is, in all humbleness, that this hasardous course of proceeding, to tender the oath to the magistrates of towns, proceed not, but die by degrees." Cabala, 39.

† Beaumont, despatch of Aug. 20th, 1603. The reader will observe that from that day it became the practice, whenever a petition was presented from the Irish catholics, to commit some of the deputies to prison.

‡ Among those who were apprehended in consequence was Lalor, vicar

and principal citizens of Dublin to attend regularly at the reformed service. By law the refusal subjected the offenders to a certain fine; in this instance it was also visited with imprisonment. The great English families within the pale became alarmed. They remonstrated against the punishment as illegal, and prayed to be indulged with freedom of religious worship. But the chief of the petitioners were arrested and confined in the castle; their spokesman, sir Patrick Barnewell, was sent to England, and incarcerated in the Tower.

To allay the discontent occasioned by this act of oppression, James issued a commission of graces. "The levy of fines for absence from church, and the administration of the oath on the livery of lands, were suspended till further orders; the established clergy were forbidden to exact undue fees from recusants for burials, baptisms, and marriages; and general pardons under the great seal were offered to all who would sue them out of the chancery." These indulgences were meant to prepare the way for the king's favourite plan of assimilating the tenure of lands in his Irish, to that which prevailed in his English dominions. By a judgment given in the court of king's bench, the old national customs of taniistry and gavel-kind were pronounced illegal; and a royal proclamation called on the possessors of lands to surrender their defective titles to the crown, with a promise that they should receive them back in more valid form, and on more eligible conditions.

apostolic in the three dioceses of Dublin, Kildare, and Ferns. He was tried on the second of Elizabeth, and sentenced to a year's imprisonment, and the forfeiture of his personal property. During his confinement he was repeatedly visited by the lords of the council, and induced to acknowledge the king as head in causes ecclesiastical. That he acted with duplicity is evident. When he was reproached as an apostate by the catholics he replied that he had not admitted any spiritual authority in the king but meant by causes ecclesiastical, those causes which by the existing laws were carried before the ecclesiastical courts. In punishment he was tried a second time on the statute of premunire, and though it is evident that his offence could never have been contemplated by the framers of that statute, he was condemned to perpetual imprisonment. See Davis's *Report in State Trials*, ii. 532.

In a country where force had for centuries usurped the place of right, there were few titles which could bear the scrutinizing eye of a legal practitioner. The boon was generally accepted: but the commissioners, according to their instructions, carefully distinguished between the lands held in demesne, and those which had been parcelled out to inferior tenants. The first were, returned by patent to the original owner as an estate in fee; in place of the others he received only a rent charge, payable by the tenants, and equal in value to the services which had formerly been rendered. It was expected that from this new system the most valuable benefits would be derived both to the king and to the people; to the king, because by destroying the principle of hereditary clanship, it would take from the chieftains the power of disputing the royal pleasure; to the people, because, by giving to the inferior tenants with the right of freeholders an interest in the soil, it would wean them from their habits of turbulence and idleness, would introduce principles of improvement and civilization; and would teach them to look up to the sovereign as their legitimate protector. But experience did not realize these flattering predictions. The power of the Irish lords, indeed, "sodainly fell and vanished*," and the mass of the people was loosened from all dependence on their former superiors: but they were not on that account more firmly attached to the crown. Instead of obeying their own hereditary leaders, they found themselves at liberty to follow every interested demagogue,

* Davis, 259. "When an Irish lord doth offer to surrender his country, and hold it of the crown, his proper possessions in demesne are drawn into a particular, and his Irish duties, as coshering, seassings, rents of butter and oatmeale, and the like are reasonably valued, and reduced into certain summes of money to be paid yearly in lieu thereof. This being done, the surrender is accepted, and thereupon a grant passed, not of the whole country, as was used in former times, but of those lands only which are found in the lord's possession, &c.; but the lands which are found to be possess by the tenants are left unto them respectively charged with those certaine rents only, in lieu of all uncertaine Irish exactions." Davis, *Discovery*, 260.

every unprincipled adventurer, who was able to inflame their passions, and goad them to acts of violence.

Tyrone and Tyrconnel left the English court with expressions of gratitude, but with feelings of distrust. Subsequent events confirmed their suspicions; and the harsh conduct adopted towards the catholics, with the attempt to divide the chiefs from their vassals, led them to believe that it was resolved to reduce the power, and to annihilate the religion of the natives. In this temper of mind they accepted an invitation to meet Richard Nugent, baron Delvin, at the castle of Maynooth. Delvin was born and bred in the Tower, where his mother had voluntarily shared the confinement of her husband, a prisoner during life, not because he had opposed, but because he was thought capable of opposing, the authority of the late queen. The three noblemen communicated to each other their resentments for past, and their apprehensions of future wrongs; they concurred in opinion, and bound themselves to each other to defend their rights and their religion by open force*." That any project of insurrection was at that time arranged, is improbable; but two years later, secret information was received by James from some person in the court and confidence of the archduke at Brussels, that Tyrone had sought to renew his former relations with the king of Spain. His ruin was immediately determined; and, to decoy him into England without awakening his suspicions, a pretended claim to a considerable portion of his lands was set up in obedience to secret instructions from the ministers†. The Irish government declined the cognizance of the cause as too delicate and important; and both parties received notice to appear with their titles before the council in England.

* Lynch, *Alithinologia*, Supplem. 186. in Dr. O'Connor's *Historical Address*, ii. 226.

† In Boderie it is said that the plaintiff was a relation, in Carleton that he was Montgomery, archbishop of Armagh.

But Tyrone was a match for the cunning of his adversaries. He sent to his attorney full power to act in his name; and, when the lord deputy informed him from the king, that his presence would be necessary to defeat the intrigues of the plaintiff, he solicited a respite of thirty days, that he might collect money, and make preparations for the journey. The request was granted; and before the expiration of the term, Tyrone with his ^{1606.} wife, his two younger sons, and nephew; and Tyrconnel, ^{Sept.} with his son and brother, lord Dungannon, and thirty ^{17.} other persons, embarked in a vessel which had arrived from Dunkirk, and landed in a few days at Quillebecque, in Normandy. James at first persuaded himself that they had shaped their course to Spain, and would return with the armada, which during the summer had been collected in the Spanish ports; the intelligence that they had proceeded through France to Brussels gave him leisure to breathe. He demanded their persons as traitors; and issued a long proclamation describing them as men of mean birth, who had been ennobled only for reasons of state; of corrupt ^{Nov.} morals, whom no man would think of molesting for ^{15.} religion; of rapacious dispositions, who though their own rights were not invaded, constantly sought to invade the rights of others; and of traitorous intentions, who had designed to raise a rebellion, to invite a foreign force into the realm, and to put to death all Irishmen of English descent*. But the foreign courts, in defiance of his remonstrances, persisted in treating them as exiles for their rights and religion. Most of them were ad-

* Rymer xiv. 664. The ambassador hints a doubt of the accuracy of the charge, but adds that the flight of the earls by raising fears caused a relaxation of the severity used towards the catholics. A report was spread that Tyrone intended to massacre all the protestants in Ireland. "La conspiration étoit, à ce qui se publie maintenant parmi ce peuple, de faire des vèpres Siciliennes sur tous les Anglois qui sont en Irlande, et puis y rétablir la religion catholique. Je ne sçais si le principal but dudit Comte étoit de profiter à la religion; mais quoi qu'il en soit, ce qu'il a fait n'y a point déjà été nuisible. Car la vérité est que depuis cela, on n'a pas si sévèrement poursuivi les catholiques, comme on faisoit auparavant." Buletin, Dec. 20. 1607. ii. 488

mitted into the Spanish army in Brabant: Tyrone proceeded to Rome, where he received a monthly pension of 100 crowns from the Pope, and of 600 from the king of Spain *.

As soon as the alarm had subsided, search was made for the real or supposed associates of the fugitives. Many of their friends suffered in Ulster; several were sent for examination to England; and three gentlemen, sir Christopher St. Lawrence, the eldest son of Tyrone, and lord Delvin, were secured in the castle of Dublin. Nov. The last was tried and condemned: but, on the morning 21. appointed for his execution, his warder found the cell empty. With the aid of a cord he had escaped out of a window on the preceding evening, and mounting on horseback, had reached in safety the castle of Clochna-
nacter. Proclamations were dispersed, rewards offered, and pursuivants despatched in all directions; but so trusty were his confidants, so secret his motions, that no trace of his flight could be discovered; and the first time the fugitive appeared in his real character, he was seen at court on his knees before the king, soliciting mercy, and holding in his hand a long history of the wrongs done to his father and to himself. James was moved to pity: he admitted as an apology the provocations which had been received; and not only pardoned the offence, but raised the suppliant to the higher dignity of earl of Westmeath. The subsequent services of Nugent repaid and justified the clemency of his sovereign †.

Whether O'Dogherty, chieftain of Innishowen, had been privy to the designs of Tyrone, may be doubted—it is certain that he had formerly received a blow from the hand of Paulet, the governor of Derry, and that he burned to wash away the insult with the blood of his

* There are several accounts of the causes leading to the flight of the earls: I have preferred that which was sent to the king of France by his ambassador. Boderie, li. 3^{re}. 390.

† Lynch, ubi supra.

enemy. A marriage banquet furnished the opportunity: the party was surprised at table; and Paulet^{Apr.} with five others fell the victims of revenge. Hart, the governor of Culmore, was made prisoner. O'Dogherty led his captive to the gate of the fortress, demanded to parley with the wife of Hart, and allowed her a short term to choose between the death of her husband, or the surrender of the place. Her tears and entreaties prevailed on the pity or cowardice of the garrison; Culmore supplied the chieftain with artillery, arms, and ammunition; and Derry with its castle, submitted to his power. This unexpected event excited new hopes and fears. Messengers from the exiles exhorted O'Dogherty to persevere, till they should come to his support; the council strained every nerve to suppress the insurrection, before the arrival of foreign aid. The two first attempts ended in the discomfiture of the royalists, who May. lost three or four hundred men; but on the approach of Wingfield, marshal of the camp, the chieftain dismantled the two fortresses, and retired among the bogs June. and mountains. For two months he kept his enemies at bay; but one morning, exposing himself incautiously, he was slain by a random shot, and the voluntary dispersion of his followers put an end to the rebellion*.

These occurrences opened to the king a fair field for the display of his proficiency in the art of legislation, which he valued no less highly than his theological knowledge. By the outlawry of the fugitives, and the revolt of O'Dogherty, it was estimated that two millions of acres, almost the whole of the six northern counties of Cavan, Fermanagh, Armagh, Derry, Tyrone, and Tyrconnel, had escheated to the crown. James was aware that the endeavours to colonize Ulster under Elizabeth had proved unsuccessful: but he inquired into the causes of the failure, called to his aid the local knowledge of the lord deputy Chichester, and after long

* Boderie, iii. 266. 289. 322. 341. O'Sullivan, 210. This writer bitterlyaments that the force under Wingfield was composed chiefly of catholics.

deliberation determined to make another trial on a new and improved plan. By it the lands to be planted were separated into four portions, of which two were subdivided into lots of 1000, a third into lots of 1500, and a fourth into lots of 2000 acres. The larger lots were reserved for "undertakers and servitors," that is, adventurers of known capital from England and Scotland, and the military and civil officers of the crown; the smaller were distributed indiscriminately among these and the natives of the province. It was, however, determined that the latter should receive their allotments in the plains and more open country; the undertakers and servitors on the hills and in positions of strength; that from the first nothing more should be required than a crown-rent of a mark for every sixty acres, but that the latter should be bound to take the oath of supremacy and to admit no tenant who was not of British origin. Such was the plan; but in the execution it suffered numerous modifications. Of the whole district, in many parts mountainous and uncultivated, a large portion was never divided at all; and several of the native chieftains, under the plea of loyalty, or by the influence of presents, procured grants of their former possessions. Yet some hundred thousand acres were planted; and the vigour of the measure, joined to the intermixture of a new race of inhabitants, served to keep in awe those turbulent spirits, that had so often defied the authority and arms of the English government*.

The supposed necessity of a military force, for the protection of the colonists, suggested to sir Antony Shirley a project of raising money for the use of the king†. He proposed the creation of a new title of

* The project, orders, and survey, may be seen in Harris. Dr. O'Connor observes that the account given by Cox should be corrected by the statements in the *Desiderata curiosa Hiberniæ*, Address, ii. 296. But if we may believe lord Wentworth in the next reign, no faith is to be given to the measurements. He found that most of the undertakers had obtained ten times as much land as was stated in their patents, and at the same time neglected to fulfil their contracts. Strafforde Papers, I. 133. 405.

† Selden, part ii. p. 821. 906. 910. "My father," says Thomas Shirley

honour, that of baronet, intermediate between those of baron and knight; that it should be conferred by patent, at a fixed price, for the support of the army in Ulster; that it should descend to heirs male, and be confined to two hundred individuals, gentlemen of three descents, and in the actual possession of lands, to the yearly value of 1000*l*. James approved of the scheme; the patents were offered at the price of 1095*l*., the estimated amount of the charge of thirty soldiers during three years; and purchasers were found, though in smaller numbers than had been expected. It is unnecessary to add that the money never found its way to Ireland*.

The tranquillity of the island encouraged the lord deputy to announce his intention of now holding a parliament after an interval of seven and twenty years. His avowed object was to enact new laws, and to obtain a supply for the king; but the catholics suspected a further design of imposing on their necks that penal code which weighed so heavily on their brethren in England. Their fears were first awakened by successive proclamations enforcing the penalties of recusancy; they were confirmed by the copy of a real or pretended act transmitted from the council in England to that in Ireland†; and an additional alarm was excited by the extraordinary exertions of the lord deputy to secure a majority in the house of commons. Since the last parliament seventeen new counties had been formed, and

to the king," being a man of excellent and working wit, did find out the "device of making baronets, which brought to your majesty's coffers well nigh 100,000*l*., for which he was promised by the late lord Salisbury, "lord treasurer, a good recompence, which he never had." Dalrymple, i. 69.

* In the six years ninety-three patents were sold, raising in all 101,835*l*. See Abstract of the king's revenue, 36—38. It was promised in the patents that no new title of honour should ever be created between barons and baronets, and that when the number of 200 had been filled up, no more should ever afterwards be added. Somers' Tracts, ii. 254.

† By it the punishment of high treason was to be enacted against all priests, who should remain in the kingdom after the term of forty days from the conclusion of the parliament; and every person harbouring or aiding a priest, was for the first offence to pay 40*l*., for the second to incur a præmunire, for the third to suffer death. See it in *Hibernia Dominica*, 619.

forty new boroughs had been incorporated, though most of the latter consisted only of a few scattered houses built by the undertakers in Ulster. The lords of the pale presented a petition to the council, remonstrating in strong though respectful language against these illegal incorporations, and demanding that all laws, which had for their object to force consciences, should be repealed*. What answer was returned is unknown; but the parliament met. On a division respecting the choice of a speaker, it appeared that the protestants had a majority of more than twenty members: but their adversaries objected to many of the returns, they seceded from the house, and so specious was their cause, so menacing their appearance, that the lord deputy did not venture to proceed. He prorogued the parliament, and the two parties appealed to the justice of the king.

During the contest the catholics had presented a remonstrance containing the catalogue of their religious grievances. They complained that obsolete statutes had been of late revived and carried into execution; that their children were not allowed to study in foreign universities; that all the catholics of noble birth were excluded from offices and honours, and even from the magistracy in their respective counties; that catholic citizens and burgesses were removed from all situations of power or profit in the different corporations; that catholic barristers were not permitted to plead in the courts of law; and that the inferior classes were burdened with fines, excommunications, and other punishments, which reduced them to the lowest degree

* The catholics, in the petition presented by their deputies, complained that they, the ancient nobility and gentry of the pale, were "vilipended, " set at nought, and disgraced by men newly raised to place and power; " that the new boroughs were incorporated with the most shameful partiality;" and that their representatives were attorneys' clerks, and servants: they requested the king to weigh the discontent created by such measures, and the danger to be feared from the "evil-affected" who were "numbers by reason of the already settled and intended plantations;" and to pacify the nation, lest a civil war, fomented, perhaps, by some foreign power, should be the consequence. See it in Leland, ii. 450.

of poverty. In conclusion they prayed that, since persecution could not wean them from their religion, the king would adopt a more moderate course, which might restore tranquillity, and provide at the same time for his own interests, and those of his people.

After the prorogation they sent the lords Gormans-town and Dunboyne in the name of the catholic peers, and two knights and two barristers in the name of the commons, to lay their petition at the foot of the throne. To defray the expense of this mission a general collection was made throughout the kingdom, and all classes contributed their portion in the face of a prohibitory and menacing proclamation *. By James the deputies were graciously received; but his itch of talking soon changed him from a judge to a party; he answered their arguments and refuted their claims †. A commission of inquiry was, however, granted; and the king, having received the report, pronounced his approval of the conduct of the lord deputy, while he left that of the inferior officers of the government open to further investigation. Chichester himself, with the earl of Thomond, Denham the chief justice, and St. John, the master of the ordnance, attended in England; the complaints of the recusants were repeatedly debated during two months; and it was conceded that two of the returns to parliament were illegal, and that the representatives of boroughs incorporated after the writs were issued, had

* O'Sullivan, iv. 247. *Hibernia Dominicana*, 625.

† The English council sought to intimidate the petitioners, (Winwood, iii. 463, 468.) and, as usual, committed two of the deputies, Luttrell to the Fleet, and Talbot to the Tower. The jesuit Suarez had lately asserted the deposing power. Several extracts from his work were laid before Talbot, with an order to give his opinion of their truth or falsehood. He sought to evade the task by declaring, that on points of faith he thought with the catholic church; in point of loyalty, he acknowledged James to be lawful and undoubted king of England, Scotland and Ireland, and to him he would bear true faith and allegiance during his life. This answer was pronounced a great offence; and after several other answers, to which more or less objection was made, Talbot was brought before the star-chamber. The result we know not. But it was confessed that his last answer had given full satisfaction, and he was probably dismissed with an admonition. Bacon, iv. 420.

May no right to sit during the session. To the remaining
 8. complaints no particular answer was returned: but James sending for the deputies, and several Irish lords and gentlemen who had joined them, pronounced a severe reprimand, and was proceeding to tax them with disloyalty on the ground of religion, when lord Delvin, falling on his knees, protested that he was and always would be faithful to the king, but that no consideration should ever induce him to abjure the worship of his fathers; wherefore, if it was supposed that the profession of the catholic faith could not be reconciled with the loyalty of a good subject, he begged permission to retire to some foreign country, where he might serve his God without constraint to his conscience or offence to his sovereign. The king was disconcerted by this interruption; but recovering himself, he said it was not to Delvin, but to the others that his words had been directed, who by their resistance to his deputy had incurred his high displeasure; but that he would allow them to return to Ireland, in the hope that their future submission would justify his present lenity*.

The appearance of another proclamation, leaving to
 30. the catholic clergy of Ireland the option between self-banishment or death, taught the public to believe that the lord deputy had gained a complete victory over his opponents. But, however anxious James might feel to strengthen the protestant interest in the island, he saw that additional persecution, without a larger force than he could maintain, would only provoke a general and perhaps successful rebellion. He sent Chichester back with instructions to soothe rather than irritate: the recusants received private assurances of forbearance and indulgence; and when the parliament met again, both parties appeared to be animated with the spirit of reconciliation and harmony. Every attempt to revive the late controversy was silenced; and the two houses joined

* *Hibernia Dominicana*, 626—628. Plowden, i. App. xvii.

in a petition that catholic barristers might be permitted to plead in defiance of the law. With similar unanimity, an act was passed recognising the right of James to the crown; the attainder of Tyrone, Tyrconnel, and 1615. O'Dogherty, with their accomplices, and the plantation of Ulster, were confirmed by law; all statutes establishing distinctions between Irishmen of the two races were abolished, and a liberal subsidy was cheerfully granted to the crown*.

Chichester was succeeded in the office of deputy by Oliver St. John, and St. John by Carey, viscount Falkland. Under the former an attempt was made, by 1616. order of the English council, to enforce the legal fine for absence from church, and the judges were instructed 1618. to begin by reporting the names of a few catholics in each county, likely from the timidity of their disposition 16. to submit, and from the influence of their station to find imitators among the people. By Falkland a most 1623. menacing proclamation was published, commanding Jan. 21. every catholic clergyman to quit the kingdom within fifty days, under the peril of incurring the royal indignation, and of suffering the severest penalty enjoined by the law. But the policy of such measures was very questionable. They could produce no benefit, because it was impossible to carry them into execution; and they served to irritate, because they proved the hostile and intolerant disposition of the government †.

James himself was convinced that before he could extirpate the catholic worship, it would be necessary to colonize the other provinces after the example of Ulster. New inquiries into defective titles were instituted, and by the most iniquitous proceedings it was made out that almost every foot of land possessed by the natives

* In the convocation the clergy adopted a code of doctrinal articles for the use of the Irish church, compiled chiefly by the celebrated Usher. They amount in number to one hundred and four, and lean much more to the opinions of Calvin, than the thirty-nine articles of the church of England. See them in Wilkins, iv. 445—454.

† *Hibernia Dominicana*, 636, 637.

belonged to the crown*. First the sea coast between Dublin and Waterford was planted; then came the counties of Leitrim and Longford; next followed King's county, Queen's county, and Westmeath. James had required that three-fourths of the lands should be restored to the original occupiers; but his orders were disregarded; the native was fortunate who could recover so much as one-fourth; many were stripped of every acre which they had inherited from their fathers, and several septs were transplanted from the soil that gave them birth, to the remotest parts of the island†. From Leinster the projectors travelled westward, and claimed for the king the whole province of Connaught, and the adjoining county of Clare, as having formerly belonged to the earl of Ulster. In the reign of Elizabeth it had been agreed that the occupiers of this extensive district should surrender all their lands, and receive them back on certain conditions. The agreement was performed by the inhabitants; but the patents, for some unknown reason, were not delivered. To supply the defect, in the thirteenth of James, they made a second surrender, 1623. received the patents, and paid three thousand pounds as the price of enrolment in chancery. Within four years

* Carte's Ormond, l. 96. "Where no grant appeared, or no descent or conveyance in pursuance of it could be proved, the land was immediately adjudged to belong to the crown. All grants taken from the crown since 10th Edward II. till 10th Henry VII. had been resumed by parliament, and the lands of all absentees and of all that were driven out by the Irish, were by various acts vested again in the crown. . . Nor did even later grants afford a full security; for if there was any former grant in being at the time that they were made, . . . or if the patents passed in Ireland were not exactly agreeable to the fiat, and both of these to the king's original warrant transmitted from England; in short, if there was any defect in expressing the tenure, any mistake in point of form, any advantage to be taken from general savings and clauses in the patents, or any exceptions to be made in law, (which is fruitful enough in affording them) there was an end of the grant and of the estate that was claimed under it."

† No fewer than seven septs were removed from Queen's county to Kerry, and forbidden to return under martial law. The seignory of Torbert was given by the king to sir Patrick Crosby, on condition that he should lease out one-fourth to the new comers on reasonable rates. A few, and only a few leases were made. See Strafforde's despatches, i. 69. See another case in Carte, which, he says, for injustice and cruelty is scarcely to be paralleled in the history of any age or country. i. 37—38.

it was discovered that, through the malice or neglect of the officers, the enrolment had not been made; and James was advised to take advantage of the omission, and to re-assert his right to the whole country. But the firm and menacing language of the occupiers alarmed the mind of the king; they protested against the injustice of the measure, and hinted a resolution to keep by the sword, what they had rightfully inherited from their ancestors. A composition was proposed. James renewed the patents for a double annual rent, and a fine of 10,000*l.*; and the inhabitants congratulated themselves on their fortunate escape from the rapacity of the projectors and of the sovereign*.

Such was the state of Ireland at the death of the king. Civil injury had been added to religious oppression. The natives, whom the new system had despoiled of their property, or driven from the place of their birth, retained a deep sense of the wrongs which they suffered; and those, who had hitherto eluded the grasp of the servitors and undertakers, pitied the fate of their countrymen, and execrated a government from which they expected in a few years a similar treatment. There was, indeed, a false and treacherous appearance of tranquillity; and James flattered his vanity with the persuasion, that he had established a new order of things, the necessary prelude to improvement and civilization. In a short time his error became manifest. He had sown the seeds of antipathy and distrust, of irritation and revenge; his successor reaped the harvest, in the feuds, rebellions, and massacres, which for years convulsed and depopulated Ireland.

* Carte, i. 22—27.

CHAPTER III.

JAMES I.

Persecution of the Catholics, Puritans, and Unitarians—Bacon—Buckingham—The family of the Lakes—Sir Walter Raleigh—The Palatine elected King of Bohemia—Proceedings of Parliament—Impeachments—Diagrace of Bacon—Williams made Lord Keeper—Homicide by Archbishop Abbot—Disension between the King and the Commons—Marriage treaty with Spain—The prince at Madrid—The match broken off—Parliament—Supply—Impeachment of the Lord Treasurer—Intrigue against Buckingham—Preparations for war with Spain—Marriage treaty with France—Death of the King.

UNDER archbishop Bancroft the church had been "purged" of the non-conformist ministers. Fines and imprisonment, and deprivation, had taught a wholesome lesson, and the less obstinate persuaded themselves that it was lawful to submit in silence to that which, though they might condemn, they could not prevent. At the death of Bancroft the prelates recommended for his successor, Andrews, bishop of Ely; James preferred Abbot, bishop of London, not, however, as he told him, in reward of his own merit, but of that of his patron, the earl of Dunbar*. Abbot did not inherit that stern spirit of orthodoxy which distinguished his predecessor: though he approved of the established discipline himself, he respected the scruples, and connived at the disobedience of others; and his moderation, as it was called by his friends, though his enemies termed it a culpable and treacherous indifference, encouraged some of the puritan preachers to establish separate and independent con-

* Birch, *Negotiations*, 338.

gregations on the following basis; 1°. that it was unlawful to adopt in the worship of God any form or ceremony not expressly warranted in scripture; 2°. that each congregation is a distinct church, independent of all others; 3°. that the pastor of every such congregation is supreme under Christ, and exempt from the control or censure of any other minister*.

In proportion as the metropolitan inclined towards puritanism, he displayed the most active antipathy against the professors of the ancient faith. But his vehemence was checked by the moderation of James, who, less prodigal of human blood than his female predecessor, less willing to pass in the estimation of foreign princes for a sanguinary persecutor, preferred more lenient punishments to that of death. Though the prisons were crowded with priests†, yet during the long lapse of eleven years, from 1607 to 1618, the number of those who suffered as traitors for the exercise of their functions, amounted only to sixteen; a most lamentable falling off in the estimation of men, who had been accustomed to feast their zeal with an equal number of similar executions in the course of twelve months‡.

The lay catholics were still liable to the fines of recusancy, from which the king, according to his own account, received a net income of 36,000*l.* per annum§. But the statute of 1606 had severely aggravated their sufferings. They were repeatedly summoned to take the new and disputed oath of allegiance. Non-attendance at church was visited with excommunication, and the civil consequences of that ecclesiastical sentence; and the refusal of the oath subjected them to perpetual imprisonment, and the penalties of premunire. When the king in 1616, preparatory to the Spanish match, granted liberty to the catholics confined under the penal laws, four thousand prisoners obtained their discharge.

* Neal's History of the Puritans, part ii. ch. i.

† They were four hundred in 1622. Ellis, Original Letters, iii. 128

‡ Challoner, ii. 16—120.

§ Hardwicke papers, i. 446.

Such at least was the number according to the puritan writers, whose zeal most bitterly laments that so many idolators should be let loose to pollute a soil, purified by the true doctrines of the-gospel*.

Another grievance arose from the illegal extortions of the pursuivants. Armed with warrants from the magistrates or the under-sheriff, they selected a particular district, and visited every catholic family under the pretext of enforcing the law. From the poor they generally exacted the sacrifice of their furniture or their cattle; to the more wealthy they repeatedly sold their forbearance for large sums of money. Experience proved that it was most prudent to submit. The very show of resistance generally provoked a forced search, in which plate, jewels, and the most valuable effects were carried off as superstitious articles, and the owner was conducted to prison, unless he would redeem himself by the payment of a large bribe†. These excesses attracted the notice of parliament: a promise of redress was given; and a royal proclamation proved, but did not abolish, the prevalence of the evil‡.

* Neal, part ii. c. 2. Of the intolerant principles which prevailed at this time, the reader may form a notion from the following instance. On the 7th of May, 1613, several persons were arraigned in the star-chamber on a charge of having defamed the earl of Northampton and six other lords of the council, by asserting that they had solicited the king to grant toleration to the catholics, but had been successfully opposed by archbishop Abbot and the lord Zouch. When the lords delivered their opinions, Sir Edward Coke asserted, that the conduct attributed to lord Northampton was little short of high treason, because to advise toleration was to advise the king against the rights and dignity of his crown; the bishop of London and the earl of Shrewsbury prayed that they might never live to see the day when toleration should be granted; and the archbishop said, he would fearlessly declare that in such case the king would cease to be the defender, and would become the betrayer, of the faith. In conclusion the delinquents were severally adjudged to lose one ear, to pay a large fine, and to suffer perpetual imprisonment. Extract from a private letter in my possession, dated London, May 9, 1613.

† From private letters in my possession. "Neither pot nor pan, nor bedding nor ringe, nor Jewells, nor anie thing escapeth their hands."

‡ "Under colour of certain general dormant warrants they have committed many outrages, abuses, and misdemeanors, as well in searching the houses of divers our honest and well affected subjects without just cause of suspicion, and taking and seizing goods, plate and Jewells, as way leading to superstitious uses, yet pretending them to be the goods of Jesuits and others, and also in discharging, and wilfully suffering

Besides the catholics and puritans there was a third class of religionists obnoxious to the law, the unitarians, few in number, but equally unwilling to abjure their peculiar doctrines. One of these, by name Bartholomew Legat, was convented before the episcopal court in St. Paul's, and charged with a denial of the trinity. His obstinacy was proof against the arguments of the prelate; it resisted even the theology of the king. The 1612 bishop delivered him over to the secular power, and Mar. James ordered him to be burnt in Smithfield. Three 18. weeks later Edward Wrightman, who to the denial of the trinity added the assertion that he was the holy spirit promised in the scriptures, suffered a similar fate April at Norwich*. "God," observes Fuller, "may seem 11. "well pleased with this seasonable severity; for the fire "thus kindled quickly went out for want of fewell." Yet another unitarian was discovered and condemned to expiate his errors at the stake: but James, informed of the murmurs uttered by the spectators at the former executions, prudently saved him from the flames, and immured him in a dungeon for life†. In this conduct he persevered to the end of his reign, and the fire went out, not through want of fuel, but through the policy or the humanity of the sovereign.

From these instances of religious intolerance we may turn to the civil transactions which filled up the residue of James's reign. While the king was in Scotland, Bacon had taken possession of his office. The vanity of the new lord keeper, the state which he displayed, and the consequence which he assumed, excited ridicule and contempt. But his preferment was an instructive lesson to sir Edward Coke, to whom the favourite had offered his protection, as soon as he would consent to the mar-

"sundry jesuits and other popish priests and dangerous and evil-affected persons to escape for bribes and rewards underhand given to them." Rymer, xxii. 213. Also Bacon's works, vi. 210.

* See the writs for their execution in Howell, ii. 731. 736, and at the end of Truth brought to Light.

† Fuller, i. x. p. 62-64.

- riage of his daughter (a rich heiress) with Buckingham's brother, sir John Villiers. Coke at first had refused; he now signified his acquiescence through his friend
1617. Winwood, the secretary. The jealousy of Bacon was alarmed. He wrote to dissuade the king from giving his consent, and encouraged the opposition of lady Hatton, the wife of Coke, whose pride it was to mortify her husband. The two ladies, the mother and daughter, July. disappeared, and were secreted first at the house of sir Edmund Withipole, near Oatlands, and next in that of lord Argyle, at Hampton Court. Coke's application for a search warrant was refused by Bacon, but granted by Winwood: and the father, with the aid of twelve armed men, brought away his daughter from her retreat. In the search some acts of violence had occurred, strictly lawful in the opinion of Coke, breaches of the peace in that of Bacon. The former was called to answer for his conduct before the council, and threatened with a prosecution in the star-chamber: but the king undertook his defence, and the pride of Bacon was soon humbled in the dust. James wrote to him a letter of reprimand, Buckingham one of reproach, with a very significant hint that he who had made, could also unmake him at
25. pleasure. The answer of the lord keeper was submissive and deprecatory: but it unfortunately contained an expression which was deemed insulting both to the monarch and the favourite, a dark insinuation that, as Buckingham was running the same course, he might meet with the same fate, as Somerset*. This second

* See the letter in Bacon's works: "I know him to be naturally a wise man, of a sound and staid wit; and again I know he hath the best tutor in Europe. Yet I was afraid that the height of his fortune might make him too secure: and, as the proverb is, a looker-on sometimes sees more than the gamester." Bacon's works, vi. 158. The king's answer may be seen, p. 162. Buckingham took no notice of the above, but announced his displeasure thus: "In this business of my brother's I understand you have carried yourself with much scorn and neglect towards myself and my friends; for which, if it prove true, I blame not you, but myself, who was your assured friend. G. Buckingham." Ibid. 165. On their reconciliation the earl assured him that he was obliged to go on his knees and conjure the king not to put any public disgrace upon him. 172. See Bacon's works, vi. 157—173, and Weldon, 127. 182.

affront called for additional punishment, which Bacon only escaped by acts of degradation and protestations of repentance. On the king's return he solicited, and was refused, access to the royal presence. He waited on Buckingham, was detained several hours in the ante-chamber, and was then dismissed without any apology. He returned the next day : his servility softened the resentment of his patron ; and the lord keeper, falling at the feet of the young favourite, most piteously implored forgiveness. A reconciliation of all the parties followed : Coke was again sworn of the privy council ; Villiers received the hand of his wealthy but reluctant 1618. bride ; and Bacon, as the reward of his repentance, ob- Jan. tained the appointment of lord chancellor, with a pension 4. of 1200*l.* a year, besides the emoluments of his office *, July 12. and the title of lord Verulam.

Buckingham now reigned without control. He had 1616. rapidly obtained the dignities of baron, viscount, earl, Aug. and marquess ; had been made privy councillor and 27. knight of the garter ; and had succeeded to the place of 1617. master of the horse on the removal of the earl of Wor- Jan. cester, which he afterwards exchanged for that of lord 3. high admiral, on the forced resignation of the earl of 1618. Nottingham. Peerages were created, offices distributed, Jan. 1. and ecclesiastical preferments conferred at his pleasure : his influence extended into the courts of law, and every department of government ; and crowds of applicants for his favour, peers, prelates, and commoners, were all careful to purchase it by large presents of money, or the grant of an annuity on their salaries and emoluments. James appeared to rejoice in the wealth and authority of his favourite, was never happy but in his company, and made him both the depository of his secrets and the arbiter of his pleasures. Under the auspices of Buckingham the court assumed a gay appearance than it

* The chancellorship was worth 2790*l.* per annum. Secret History of James, i. 450. note.

had worn of late years : balls, and masks, and festivities, hastily followed each other ; and with them were intermixed, to gratify the taste of the monarch, the most quaint conceits, low buffoonery, and ridiculous deceptions *. James had already scandalized the puritans by the allowance of certain pastimes on Sundays † ; this round of dissipation at Whitehall filled them with pain and horror. They declaimed against the libertinism of the court, exaggerated the danger to which female virtue was exposed amidst a crowd of licentious gallants, and openly accused the king of knowing and abetting the flagrant immoralities of his favourite ‡.

Buckingham had soon weeded out the friends and dependents of the fallen Somerset : he now ventured to attack his father-in-law, the earl of Suffolk, lord treasurer, charging him with peculation in the discharge of his high office. James expressed an inclination to spare the earl a trial on his submission ; but Suffolk stood on his innocence, and was condemned in the star-chamber to imprisonment in the Tower, and a fine of 30,000*l*. In a short time the fine was moderated, and the prisoner regained his liberty, but with an intimation that the king expected his two sons to resign their places in his household, which he meant to bestow on the dependents of the favourite. But the earl had too much spirit to

* Weldon, 91. Aul. coq. 263. Wilson, 53. 104. It was probably in allusion to some of these sports that in the correspondence between James, the queen, and Buckingham, the king was frequently addressed with the title of " your sowship."

† Collier, ii. 711. During his return from Scotland he publicly declared his pleasure " that after the end of divine service the people should not be letted from any lawful recreation on Sundays, such as dancing either of men or women, archery for men, vaulting or any other such lawful recreation, nor from having May-games, Whitsun-ales, and Morris-dances," and the setting up of May-poles, and other sports therewith used, and " that women should have leave to carry rushes to the church for the decking of it, according to their old custom." This permission, however, was not to extend to recusants, nor even to conformists, if they had not on the same day attended divine service. May 20, 1618. Somers' Tracts. ii. 55.

‡ " There is not a lobby or chamber (if it could speak) but would verify " this," Peyton, 369, also 354, 355. Wilson, 793.

submit, and he forbade his sons, whatever might be the consequence to himself, to part with their offices unless by absolute force *.

Another trial, singular in all its circumstances, occupied at the same time the attention of the king. William Cecil, called in right of his mother lord Roos, had married the daughter of secretary Lake; and the next Feb. year, quitting the kingdom without leave, sent a challenge from Calais to her brother. It was at first given out that his departure had been caused by a dispute respecting the settlement on his wife; afterwards it was attributed to her detection of an incestuous commerce between him and Frances, the second wife of his grandfather, the earl of Exeter. That lady was indignant at a report so injurious to her honour; she traced it to the lady Lake and her daughter, and immediately appealed for justice to the court of the star-chamber. The defendants produced in their favour a written instrument, purporting to be a confession of guilt in the hand-writing of the countess herself; asserted that she had delivered it to them in the presence of lord Roos and his Spanish servant Diego, standing at the great window in the long room at Wimbledon; and brought forward Sarah Swarton, the chambermaid, who swore that, being concealed behind the hanging at the opposite end, she had seen and heard all that passed. James, who prided himself on his sagacity in the detection of forgery and imposture, determined to unravel this mystery. He privately despatched a messenger to lord Roos in Italy, who with Diego took his oath on the sacrament that the whole tale was a fabrication †. With this ground for suspicion the king compared the written document with the letters of the countess, and discovered a discrepancy in the hands; and then riding unexpectedly to Wimbledon, convinced himself that Swarton could not have been

* See two spirited letters from him to the king and to Buckingham, in Cabala, 362.

† He died very soon afterwards; and, if report deserve credit, of poison.

- concealed behind the hangings, nor have heard what
 1619. was said at the window. The British Solomon now took
 Feb. his seat among the judges in the star-chamber; five days
 6. were occupied with the pleadings; on the sixth day lady
 Roos acknowledged that the instrument had been forged
 with the privity of her father and mother; and judg-
 13. ment was pronounced that, in consideration of her re-
 pentance and confession, she should only suffer confine-
 ment during the royal pleasure, that Swarton should be
 whipped at a cart's tail, and do penance in the church
 of St. Martin, and that sir Thomas and lady Lake should
 pay a fine of 10,000*l.* to the king, and damages to the
 amount of 5000*l.* to the countess, and should also be im-
 prisoned till they made their submission*. It is pro-
 bable that the court came to a correct decision with
 respect to the guilt of the parties: but, whether it did
 or not, the case taken in all its bearings will leave a very
 unfavourable notion of the morality of the age; and, if
 we couple it with the scene of iniquity disclosed by the
 history and trials of the earl and countess of Somerset,
 will convince us that at this period the most shameful
 and degrading vices were not uncommon among persons
 of the first rank and consideration in the state†.

About the same time a more interesting, but more
 distressing scene, was opened to the public by the last
 adventures and the subsequent fate of the gallant but
 unprincipled sir Walter Raleigh. After his conviction
 in 1603, he had remained thirteen years a prisoner in
 the Tower: but the earl of Northumberland, the *Mecæ-*
nas of the age, had converted that abode of misery into
 a temple of the muses. Raleigh was gradually inspired
 by the genius of the place; at first he endeavoured

* Carleton's letters, 169, 170, 192. *Aulicus coquin*: in the secret history
 of James, ii, 190—197. Camden, annis, 1617, 1618, 1619. Bacon's works,
 vi. 233.

† The Spanish ambassador interceded in favour of lady Lake. But
 James replied that she was, he dared to say, guilty of the seven deadly
 sins, and that to grant her any indulgence at that time would be to acknow-
 ledge his judgment unjust, and to break his promise to lady Exeter in a
 matter of justice. Ellis, *Original Letters*, iii. 190.

to solace the tedium of confinement by the study of chemistry; thence he proceeded to different branches of literature; and two years before his enlargement published his celebrated history of the world. The appearance of this work turned every eye once more upon him. Men had hitherto considered him as an adventurer and a courtier; they now stood in astonishment at his multifarious acquirements, his deep research, his chronological knowledge, and his various acquaintance with the Grecian and rabbinical writers; though in reality that acquaintance appears to have been derived from versions in the Latin language. Admiration for his talents begot pity for his fate; and prince Henry was heard to say, that no man besides his father would keep such a bird in a cage*.

For a long time his confinement was attributed to the influence of his political enemy, the earl of Salisbury. But James appeared equally inexorable after the death of that minister: his resolution was proof against the intercession of his son, of his queen, and of his brother-in-law the king of Denmark; it yielded only to the solicitations of his favourite, whose services had been purchased by the prisoner, on the condition that he should pay 1500*l.* to Buckingham's uncles sir William St. John and sir Edward Villiers. Still Raleigh remained under sentence of death. James gave him liberty, but refused him pardon; and fearful of his talents, mistrustful of his loyalty, he sought to contain him within the bounds of duty, by reminding him that his fate still depended on the mere pleasure of his sovereign.

In 1584 Raleigh had obtained from queen Elizabeth a patent, the copy of one previously granted to his uterine brother sir Humphrey Gilbert, and probably drawn after the papal grants of former ages. It gave to him, his heirs, and assigns, full power to discover and sub-

* His *History of the World* was published in 1614. It commences with the Creation, reviews the three first monarchies, and ends about a century and a half before the birth of Christ

due foreign and heathen lands not in the possession of any christian prince, nor inhabited by any christian people; to hold them of the English crown by the payment of one-fifth of all the gold and silver ore that might be extracted; to resist and expel by force of arms all persons who should attempt to settle within two hundred leagues of the place where he or his dependents might fix their habitation within the six following years; and to surprise and capture all ships which should attempt to trade in the rivers, or on the April coasts within the limits aforesaid*. In consequence of
 27. this most ample grant, Raleigh sent to the shores of North America several expeditions, which proved ruinous to the projector, though beneficial to the country, inasmuch as they led to the colonization of Virginia. In
 1595. 1595 he sailed in person, but his object was of a differ-
 Feb. ent nature, the discovery of the fabulous empire of
 5. Guiana, its incalculable riches, and its golden city of Manoa, called by the Spanish adventurers, El Dorado. At Trinidad he was received by the Spaniards, as on his voyage to Virginia, and exchanges in the way of trade were amicably made between the strangers and the garrison: but Raleigh, watching his opportunity, surprised and massacred the guard, reduced to ashes the town of St. Joseph, and carried away Bereo, the governor, who had previously made an establishment in Guiana†.

With this officer for a guide, and without apprehension of an enemy to intercept his return, he sailed fearlessly to the mouth of the Orinoco, and advanced in boats above a hundred miles up the river, giving out to the natives that he was their friend and protector, who

* Hakluyt, iii. 243.

† He shall be heard in vindication of this conduct. "To be revenged of the former wrong (it was said that on some former expedition to Trinidad, Berreo had made prisoners of eight Englishmen under a captain Whiddon), as also considering that to enter Guiana by boats, to depart four or five hundred miles from my ships, and to leave a garrison in my back interested in the same enterprise, who also expected daily supplies out of Spain, I should have savoured very much of the ass: therefore taking a time of most advantage, I set upon the corps de garde," &c. Tha he might not savour of an ass, he became a murderer!

had come in search of the Spaniards, the common enemy of both. Four weeks were spent in the survey of the country and in communications with the inhabitants, when the waters suddenly rose, the boats could no longer stem the rapidity of the current, and the adventurers, abandoning themselves to the stream, were carried back through a thousand perils to their vessels. The discoveries which he had made, rather irritated than satisfied the curiosity of Raleigh. He had gained little to indemnify him for the expense of the voyage, but he had seen enough to quicken his hopes, and to stimulate him to further exertions.

The account which he published after his return proves him to have been a master in the art of puffing*. The riches of the natives, the fertility of the soil, and the salubrity of the climate, were painted in the most seductive colours; numbers offered to share with him the charges of another expedition; and several ships successively sailed to Guiana, and returned to England, but without forming any settlement, or making any additional discovery. These failures Raleigh attributed to the inexperience or misconduct of the leaders: *he* was acquainted with the natives, and the situation of their mines; were *he* permitted to go out, he would make Guiana to England what Peru had been to Spain. It was a bold and hazardous boast; for his own narrative shows that of the gold mines he knew nothing more than what he conjectured from the appearance of the surface, and what he inferred from the casual assertion of a native, the guide of captain Keymis. But he continued to press the subject on the attention of secretary

* "The common soldier shall here fight for gold, and pay himself, instead of pence, with plates of half a foot broad, whereas he breaks his bones in other wars for provant and penury. Those commanders and chieftains that shoot at honour and abundance, shall find here more rich and beautiful cities, more temples adorned with golden images, more sepulchres filled with treasure than either Cortez found in Mexico, or Pizarro in Peru." See "The Discovery of the large, rich, and beautiful empire of Guiana, with Relation of the great and golden city Manao," &c. London, 4to, 1596, in Raleigh's works, by Birch, ii. 137.

1616. Winwood, till that minister, dazzled by the prospect, Aug. presented his petition to the king, and obtained for him 26. the permission which he sought.

1617. Gondomar, the Spanish ambassador, was supposed to have acquired considerable influence over the royal mind, by the adroitness of his flattery, and the brilliancy of his wit. He was not slow to discover the design of Raleigh, and complained to the king, that he had authorized that, which was in reality a piratical expedition against the Spanish settlements in South America. James sent for the patent, revised and corrected it with his own hand. While he gave to the adventurers the power of trading and defending themselves, he refused that of invading or subduing others*. He even limited their trade to countries inhabited by savage and infidel nations: not content with this, he expressly forbade Raleigh to offer any offence to the subjects of his allies, particularly to those of the king of Spain; and for greater security required from him a statement in writing of the place where he purposed to trade, and of the force which he intended to take out. Gondomar, by means with which we are unacquainted, obtained a sight of this paper; and a copy of it, with a reinforcement of soldiers, was forwarded to his brother, the governor of St. Thomas†.

While Raleigh's ship, the "Destiny," of thirty-six guns, lay in the river, he received some visits from Desmaretz, the French ambassador‡. They may have ori-

* Rymer, xvi. 789. Raleigh's works, by Birch, ii. 365.

† James has been severely censured for allowing Gondomar to see this paper. The ambassador may have procured it from others: but if it were from James, the king may still be without blame. It is manifest, from the very words of Raleigh, that throughout the negotiation he deceived his sovereign. "I acquainted his majesty with my intention to land in Guiana, yet I never made it known to his majesty that the Spaniards had any footing there. Neither had I any authority from my patent to remove them from thence. Therefore his majesty had no interests in the attempt of St. Thomas by any foreknowledge in his majesty." Address to lord Carew. See Cayley's correct copy, ii. 138.

‡ It was about this time (Ap. 24) that Concini, *maréchal d'Ancre*, the favourite of the queen regent of France, who appeared to govern both her and the kingdom, was murdered in cold blood by Vitry, captain of the body guard, with the permission of the king, who was only in his six-

ginated in curiosity, but they attracted the notice of James, and awakened unfavourable suspicions in his ^{Mar.} breast. The expedition, consisting of fourteen sail, ^{28,} was compelled to put into Cork, whence, after a long and tedious voyage of four months, during which the elements seemed to have conspired against the adventurers, it reached the coast of Guiana. Two ships ^{Nov} were missing; a considerable number of men had died ^{12.} of a contagious disease; and more, among whom was the commander-in-chief, were reduced by sickness to the last state of debility. To add to their distress they learned that a Spanish fleet was cruising to intercept them in the neighbouring seas. Under these circumstances it was determined that the fleet should remain at anchor, while two hundred and fifty men in boats, under the guidance of Keymis, and the command of Dec. Raleigh's nephew, should proceed up the Orinoco, and ^{10.} take possession of the supposed mine. They landed ^{1618,} near the settlement of St. Thomas; a battle ensued; the ^{Jan.} governor was killed, and the town was occupied by the ^{2.} conquerors*. But to cross a branch of the river, and to

teenth year, and at the instigation of Albert de Luynes. The following letter on the subject will show how apt men are to measure the morality of actions by their own partialities. "Those who condemn this action as "most impious and inhuman, do not consider that it was at the choice of "the king (Louis XIII.) whether he would neglect the safety of his person, and the preservation of his crown, both which must have fallen if "Ancre had stood, or proceed, as he did, *sine forma et figura judicii*, by "martial law against the usurper of his crown and state. But what "opinion soever private men . . . have of this action, his majesty "(James) is pleased to approve of it; which doth appear not only by the "outward demonstration of his exceeding joy and contentment, when he "first received the news thereof, but also by letters which with his own "hand he hath written to the French king. Besides, Mr. Comptroller "hath express order to congratulate with Vitry, that by his hands the "king his master was delivered out of captivity, and mis hors de page." Secretary Winwood to Dudley Carleton. Carleton's Letters, 198. Buckingham also wrote to the ambassador at Paris to let Vitry know "how "glad king James was that he had been the instrument to do his master "so good service." Birch, 402. Little did Buckingham think, while he thus congratulated the murderer, that he was doomed to meet a fate similar to that of d'Ancre.

* In their defence it was alleged that they were attacked by the Spaniards, as they were peaceably proceeding in search of the mine. This is doubtful but were it true, it makes little difference. To land and march

advance to the mountains in the face of the enemy, was an enterprise of great difficulty and danger: and after a short consultation, the adventurers set fire to the town, and repairing to their boats, hastened to rejoin their countrymen at Trinidad.

Their return plunged the unfortunate Raleigh into the deepest distress. His son had fallen in the attack of the town: the mine, on the existence of which he had staked his head, had not been even discovered; and the plunder of the settlement was too inconsiderable to atone for his disobedience to the royal command. In the anguish of his heart he poured out a torrent of invective against Keymis, who having endeavoured in vain to pacify his commander, retired to his cabin and put an end to his life. Raleigh's only remaining hope was to redeem his character by some desperate enterprise, and to return to England with sufficient spoil to purchase his pardon. But with the loss of his good fortune he had forfeited the confidence of his followers; ship after ship abandoned his flag; the men under his immediate command mutinied and split into parties; and, after an unsuccessful attempt to slink away on the June. coast of Ireland, he returned to the harbour of Plymouth; but whether by choice or compulsion is uncertain*.

Here misfortune seemed to have subdued his courage, and perplexed his understanding. He hesitated between the different expedients which suggested themselves to his mind, till he precipitated himself into the snare which had been prepared by his enemies. He was certain of an asylum in France, and a bark lay ready to convey him across the Channel. He proceeded towards it, turned back, fixed another evening for the attempt,

through the country in martial array, and without permission, was certainly an act of aggression.

* See his letter to Winwood, his apology to the king, and "the declaration of the demeanour and carriage of sir Walter Raleigh," &c. in the second volume of Cayley, 106. 115. App. 82.

and then refused to keep his appointment. In a short time he was arrested by his kinsman Stukeley, vice admiral of Devon, who had received orders to conduct him to London. The horrors of the Tower immediately July rushed on his imagination: from Manourie, a French 27. empiric, his warder, he purchased drugs that provoked the most violent retchings, and aqua fortis, with which he produced pimples and blisters on his forehead, nose, breast, arms, and legs: he was found in his shirt on all fours on the ground, gnawing the rushes, and personating madness; and three physicians, whom Stukeley consulted, agreed in pronouncing him in great though not immediate danger. He was then in the neighbourhood of Salisbury. James lay in that city, and unwilling to introduce a prisoner under an infectious disease Aug. 1. into the Tower, the king assented to the petition of his friends that he might be confined for a short time to his own house. This was his real object. Captain King was instantly despatched to provide a ship for his escape: but Manourie, to whom he had confided the secret, betrayed it to Stukeley; and Raleigh, observing that he was more closely watched, purchased the promise of connivance from his kinsman with the present of a valuable jewel, and a bond for the payment of 1000*l*. But Stukeley was a traitor, acting under instructions to procure, by every device in his power, evidence of Raleigh's connexion with France, and daily advertising the council of every transaction regarding his prisoner. At Brentford Raleigh received a visit from de Chesne, secretary of Le Clerc, the French resident; in London he had a private interview with that minister himself, who offered him the use of a French bark in the river, with a letter addressed to the governor of Calais. He preferred, however, the ship provided for him by captain King, and at the appointed time disguised himself, and, 8 being accompanied by King, Stukeley, and Stukeley's son, took a boat to sail down the river to Gravesend. A wherry which appeared to follow them excited his ap-

prehensions: the tide failing they were obliged to land at Greenwich; and Stukeley, as soon as he was joined by the men from the wherry, arrested King, and conducted Raleigh to a neighbouring tavern. The next Aug. day the fugitive was committed to the Tower; Le Clerc 9. was forbidden the court, and soon afterwards sent out of the kingdom*.

On the first receipt of the intelligence from America, Gondomar had repaired to James, exclaiming, "Piratas, piratas, piratas." His sense of the insult offered to his sovereign was quickened by resentment for the blood of his brother; nor did he cease to demand satisfaction till he was recalled to Spain, with an intimation that this was the last appeal which his master would make to the justice of the king of Great Britain†. But the anger of James required no incitement from others. In his estimation, the conduct of Raleigh amounted to a personal injury. That adventurer had invaded the territory of a friendly power, and endangered the amity between Spain and England, in defiance of the prohibition of James himself, and with the knowledge that the royal word had been pledged for his peaceable demeanour. With this feeling, the king offered to the choice of Philip, to send the offenders at once to Spain, or to inflict on them prompt and exemplary punishment in England. Five weeks elapsed before the answer was received; and during that interval Raleigh was harassed in the Tower with repeated examinations before a committee of privy councillors, and subjected to the perfidious friendship of his keeper, sir Thomas Wilson; Sept. 11. who had received the usual instructions, to worm himself into the confidence of his prisoner, to note down every unguarded expression which fell from his lips, and to draw from him, by artful questions or suggestions, such avowals, as might justify the fate to which he was

* Cayley, ii. App. 94—104. Somers' Tracts, ii. 431—436. Raumer, ii. 235.

† Bacon's Works, vi. 205.

already doomed. But the caution of Raleigh balked the ingenuity of the spy; and in his answers to the commissioners, though he admitted the deceit which he had practised on the king, by feigning sickness, he maintained the uprightness of his intentions, and explained away the most questionable parts of his conduct*. At length arrived the answer of Philip, that in his opinion the punishment ought to be inflicted where the engagement was originally contracted. James then consulted the judges, who replied, that Raleigh, remaining under sentence of death, had all along been dead in law; he could not, therefore, be brought to trial for any subsequent offence, but, in contemplation of his more recent conduct in sacking and burning the town of St. Thomas, the judgment passed on him in the first year of the king might with justice be carried into execution. Four days later he was placed at the bar of his king's bench: he pleaded that his commission, by giving him power of life and death over others, was equivalent to a pardon; but the chief justice interrupted him, saying, that in cases of treason pardon could not be implied, but must be expressed; and after a suitable exhortation, conceived in terms of respect unusual on such occasions, ended with these words, "execution is granted †." Raleigh, from the moment he despaired of saving his life, displayed a fortitude worthy of his character. "He was," says the divine who attended him, "the most fearless of death that was ever known, and the most resolute and confident; yet with reverence and conscience. When I began to encourage him against the fear of death, he made so slight of it that I wondered at him. When I told him that the dear servants of God, in better causes than his, had shrunk back and trembled a little, he denied not, but gave God thanks he never feared death, and much less then; for it was but an opinion and imagination: and the manner

* Jardin, 486—496.

† Howell's State Trials, ii. 33.



" of death, though to others it might seem grievous, yet
" he had rather die so than of a burning fever *."

Oct. His cheerfulness on the scaffold proved that these were
29. not idle vaunts. Holding his notes in his hands, he enumerated and refuted several charges, which had been made against him; that he had received a commission from the king of France, had spoken disrespectfully of his own sovereign, had accused the lords Doncaster and Carew of advising him to escape, and had formerly, at the execution of Essex, openly rejoiced at the fall of his enemy. But his speech disappointed the curiosity of his hearers. He made no allusion to the treason for which he had been originally condemned, nor sought to justify the conduct which had brought him to the scaffold†. Having taken his leave of the lords who were present, he asked for the axe, and, feeling the edge, observed with a smile, that it was a sharp medicine, but a physician for all diseases. He then laid his head on the block, and gave the signal; but the slowness of the executioner provoked him to exclaim, " Why dost thou not strike? Strike, man!" At the second blow his head was severed from his body.

The fate of Raleigh excited much commiseration. There was a general belief that he had been unjustly condemned in the first instance, and the national antipathy to Spain made light of his more recent offence. The king was accused of having sacrificed to the interested representations of Gondomar one of the most gallant officers and most enlightened men among his subjects. Yet, if we impartially consider the circumstances under which the expedition originated, and the illegal manner in which it had been conducted, we must confess that the provocation was great, and the punishment not undeserved. Raleigh indeed alleged that the Spanish town was built on the king's own land, of which

* Hearne's Hemingford, i. App. clxxxv.

† His speech in Cayley, ii. 168. Somers' Tracts, ii. 438. Tounson's letter in Hemingford.

he had taken possession for the English crown in 1591. But this plea could not be maintained. If discovery gave right, the Spaniards were the first discoverers; if possession, they had been in possession upwards of twenty years.

Among those who took an interest in the fate of Raleigh was the queen. Her passion for public amusements had long ago ceased; and the latter part of her life was passed in privacy at Greenwich and Hampton court. Of her history, after the death of her eldest son, we know little more than that she recommended Villiers to the king, and afterwards requested him in return to intercede for the life of Raleigh. She was even then suffering under a dropsical complaint, which in a few months consigned her to the grave. By the vulgar her death was supposed to have been announced by the appearance of a comet in the preceding autumn: while the more learned, with equal credulity, considered that phenomenon as the harbinger of the events to which I must now call the attention of the reader *.

During sixteen years James had wielded the sceptre in peace: before the close of his reign he was reluctantly dragged into a war by the ambition of his son-in-law, and the enthusiasm of his people. The cause originated in a distant clime, in a quarrel respecting the site of churches amid the mountains of Bohemia; but that

* Caley, ii. 156. Wilson, 719. Dalrymple, i. 78. Balfour, ii. 72. Perhaps I ought here to mention the arrival in England of that distinguished convert Marco Antonio de Dominis. Educated by the jesuits, and employed by them as public professor at Verona and Padua, he was quickly preferred to the bishopric of Segna, and thence translated to the archbishopric of Spalatro. During the contest between the pope and the republic of Venice, he took part with the latter. The displeasure of Paul V. and the danger of a prosecution for heresy, induced him "to take the wings of a dove," and seek an asylum in England in 1617. (His declaration, Somers' Tracts, ii. 19.) He was graciously received, conformed to the established church, and was made dean of Windsor, and master of the Savoy. After a few years he solicited pardon from the pope, returned to Italy, and publicly abjured the protestant creed in 1623. The next year he died; but his language had given occasion to doubt his orthodoxy; judgment was pronounced against him by the inquisition; and the dead body was burnt in the piazza di campo di Fiori. See Somers' Tracts, ii. 30. Dalrymple, i. 140—148.

quarrel was connected with religion; and in an age mad with religious fanaticism, the most trifling provocation was sufficient to array one half of Europe in battle against the other. The fifth article of the edict of peace, published by the emperor Rodolph, had established freedom of religion in Bohemia: by an agreement between the communicants under one kind, and the communicants under both kinds (so they were distinguished), it was stipulated that the latter should have liberty to erect churches on the royal demesnes; and some years later certain calvinists, pretending that the church lands came under this denomination, began to build on the property of the archbishop of Prague, and on that of the abbot of Brunow. The two prelates appealed to the emperor Matthias, who decided in their favour; but the chiefs of the calvinists were dissatisfied: 1618, in defiance of the imperial prohibition they assembled
 May in the Carolin college, spent the next day in fasting and
 12. prayer, and on the third day entered the castle of Prague in arms, threw the leading members of the council of state out of the windows, and took forcible possession of the capital. At the same moment, as if by a simultaneous movement, their partisans rose in different districts. Two armies were formed; and most of the strongholds fell into their hands. This movement was confined to the calvinists: both catholics and lutherans, though they did not offer any opposition, remained loyal to their sovereign*.

It was in vain that Matthias, an aged and infirm prince, sought to suppress the insurrection by the offer of an amnesty on certain conditions; that he proposed to refer every subject in dispute to the judgment of four arbitrators, the two catholic electors of Mentz and Bavaria, and the two protestant electors of Saxony and the Palatinate; and that he finally solicited an armistice preparatory to a general pacification. Matthias died,

* Belli *Laurea Austriaca*, 36, 37. Lotichius, 12—15. Cluveri *epitome* 652.

and was succeeded by his cousin, Ferdinand of Gratz, 1619. who about two years before had been, with the unanimous consent of the states, crowned king of Bohemia. ^{Mar.} 1. Ferdinand notified his accession to the insurgents with a ratification of their privileges, and a declaration of liberty of conscience. But they treated the message with scorn, and offered the Bohemian crown, first to John George, elector of Saxony, and then to Frederic, the elector Palatine. The first had the prudence to decline the dangerous present; the second, covering his 1619. ambition with the mask of hypocrisy, declared that he ^{Sept.} saw the finger of God in his election, and dared not ^{12.} oppose the will of the Almighty. He hastened with his ^{Nov.} family to Prague, and was solemnly crowned by the ^{4.} insurgents king of Bohemia*.

It is difficult to describe the delirium of joy which the intelligence excited in England. Archbishop Abbot pointed out the very text of the apocalypse, in which this important revolution had been foretold; the preachers from the pulpit (an engine of no less political influence in those days, than the press is found to be in the present,) inflamed the passions of their hearers; and the whole nation called on the king to support the interests of his son-in-law, which were, in their opinion, the interests of God. In this general ferment, James was cool and collected. He saw that to engage in the war was to espouse a cause evidently unjust, to sanction the principle that subjects might lawfully depose their sovereign for difference of religion, and to plunge himself into an abyss of expense, without any human probability of success. For it was idle to expect that the Palatine, with the aid which he might receive from England, could permanently make head against the power of Ferdinand, assisted, as he would be, by the princes of his family, and the catholic and lutheran feudatories of the empire. But, on the other hand, it

* Belli Laurea, 199. 211. Lotichius, 72. 82—88. 93.

was asked, could he in decency abandon his son-in-law, and sit a silent spectator of the war, which would probably strip him of his hereditary dominions? or was it even safe for himself to resist the clamour of his subjects, and by his apparent apathy, teach them to doubt his sincerity in religion? Between these conflicting motives the wisdom of the British Solomon was completely at fault. No one could conjecture, he himself seemed to have no notion, what his ultimate resolution might be. One hour he condemned, the next he excused, the conduct of the Palsgrave. To the opponents of Frederic he affirmed that he would abandon him to his fate: to his friends that he would take him under the protection of the British crown*. After much hesitation he discovered and adopted a middle course, by which, without sinning against the divine right of kings, he might preserve for his innocent grandchildren the inheritance of their guilty parent. He refused every application in favour of Frederic's pretensions to the crown of Bohemia, but granted the aid of an army and a supply of money for the protection of his

1620. patrimonial possessions. Four thousand men were
 July despatched as volunteers, under the command of the
 22. earls of Essex and Oxford: but this body, even when it had joined the army "of the protestant union," the German allies of the Palatine, was no match for the more numerous force of the imperialists, led by the celebrated Spinola. By the commencement of autumn the lower Palatinate was lost; about the same time Lusatia submitted to the elector of Saxony, who had been charged with the execution of the ban of the empire against the ambitious but unfortunate Frederic; and the victory of Prague, won by the duke of Bavaria, against the prince of Anhalt, drove the ephemeral king from his newly acquired throne. The Bohemian states solicited and obtained the pardon of their sovereign;

Nov. 8.

* Tillieres, in Raumer, ii. 237—245. The viscount Downcastle, so often mentioned in Raumer, was Hay, viscount Doncaster

and Frederic wandered with his family through the north of Germany, an exile and a suppliant, till he reached the Hague, where he obtained a pension from the pity or the policy of the states*.

A voluntary subscription, and a loan at a high rate of interest, had enabled the king to fit out the expedition to the Palatinate; but the late disaster of his-son-in-law called for more powerful aid, and the zeal of the people clamorously demanded a crusade for the support of the protestant interest. The ministers advised him to avail himself of their enthusiasm. Let him convoke a parliament. That assembly could not refuse him those supplies, without which it was impossible to negotiate with dignity, or to wield the sword with success. Under this impression, James gave his consent, but with reluctance and misgiving. He knew the reforming temper, the daring spirit of the popular leaders. The time no longer existed when the threat of the royal displeasure used to appal the stoutest hearts; nor did the crown possess that extensive patronage which has since enabled it to secure a majority in both houses. Many consultations were held; and it was determined, as the most eligible expedient, to soothe the country party by concessions, and to bribe them to supply the wants of the exchequer, by the spontaneous offer of those benefits, for which former parliaments had petitioned in vain†.

The session was opened with a conciliatory speech 1621
from the throne. But James exhorted and supplicated Jan.
in vain. The first care of the commons was to gratify 30.
the call of religious animosity, to make the catholics at Feb
home suffer for the success which had attended the 5.
arms of the catholics abroad. With the concurrence of the lords, they petitioned the king to banish all recusants to the distance of ten miles from London, to restrain them from attending at mass in their own houses, or in the private chapels of ambassadors, and to carry

* Lotichius, 209—211. Cluveri epitome, 655, 656.

† Bacon, v. 531, 532.

all the penal laws, which had been enacted against them, into execution. In addition, that they might perform their own part, they prepared a bill in aid of the former statute, which gave to the crown two-thirds of the property of popish recusants.

- From religion they turned to the consideration of their privileges. Four members, they complained, had Feb. been imprisoned at the close of the last parliament for
 12. their conduct in that house. Precedents might, indeed, be alleged in vindication of the king; but all such precedents were the illegal acts of arbitrary power; to the house itself belonged the right of judging and punishing every breach of decorum committed within its walls; were that right to reside elsewhere, freedom of speech would be a dream or a fiction. The subject was pursued with a warmth which alarmed the ministers: they contended that the apprehensions of the house were unfounded; and the ferment was at length allayed by a solemn assurance from James that, as he had already granted, so it was his intention to maintain, that liberty
 15. of speech which was demanded by his faithful commons*.

16. Hitherto the question of supply had been held in suspense; on the receipt of this message, they voted two subsidies, but without tenths and fifteenths. It was a trifling sum, confessedly inadequate to the object for which it was given; but they deemed it politic to keep the king dependent on their bounty, that he might the more readily submit to their demands. James himself concealed his feelings. Affecting to look on the vote as a pledge of reviving confidence, he returned them thanks in the most grateful terms, exhorted them to attend to

* Journals, 522. The next day, to prove their power of punishing their own members, they expelled Shepherd from the house, because in a speech against the bill for restraining abuses of the Sabbath day, he had contended that the Sabbath was the Saturday, not the Sunday; that the bill was contrary to Scripture, which recommended dancing as a part of the divine worship; and that the mover of the bill, by opposing the king's ordinances on the subject, was a perturber of the peace. Ibid. 523—525.

the redress of the national grievances, and assured them that they would always find him ready "to do more than meet half way*."

It was not long before his sincerity was put to the test. A committee of inquiry had already been established; witnesses were now summoned and examined; and the conduct of the officers of the crown, of the judges and of their dependents, was subjected to the most minute and jealous investigation. All the popular members entered into the inquiry with warmth; but no one took a more decided part than sir Edward Coke, whose long experience and great legal knowledge gave weight to his authority; though it was whispered by his enemies that his zeal for the public good was sharpened by the recollection of the treatment which he had received from the court. But whatever were the motives of the reformers, it must be confessed that their exertions were useful. They contributed to eradicate abuses which had long crippled the freedom of trade, and polluted the administration of justice; and they revived in the commons the exercise of an invaluable privilege, which had lain dormant for centuries, that of impeaching public offenders before the house of lords, as the highest tribunal in the kingdom.

The first abuse to which the commons turned their attention, was that of monopolies granted by patent. Many, indeed, had been abated at the remonstrances of preceding parliaments; but so ingenious was the avarice of the projectors, so powerful the influence of their patrons, that in the place of one which was eradicated, several sprung up, equally useless to the prince, and equally injurious to the subject. Patents, which secure to the authors of improvements the profits of their own ingenuity, act as a stimulus to industry and talent; but these patents had for their object the private emolument of certain favoured individuals, to whom they gave,

under the pretence of public utility, the control of some particular branch of trade, with authority to frame regulations, and to enforce obedience by fines and imprisonment.

The committee began with three patents, the one for the licensing of ale-houses, another for the inspection of inns and hostleries, and a third for the exclusive manufacture of gold and silver thread; and the investigation disclosed a scene of fraud and oppression, which is seldom to be found under the most despotic governments*.

- Feb. All three were declared national grievances; and the
 27. patentees, sir Giles Mompesson and sir Francis Mitchell,
 Mar. were denounced as criminals in a conference with the
 3. lords. They fled for shelter to the protection of the favourite: he had received their money for his services in procuring the patents; and his half-brother, sir Edward Villiers, had been a partner in the profits. To save them, it was at first determined to dissolve the parliament; but the imprudence of such a measure was demonstrated in a written memorial by Williams, dean of Westminster, whose ambition sought to earn, by this appearance of zeal, the good will both of the monarch and his favourite. Under the guidance of his new adviser, Buckingham abandoned his friends to their fate, and, affecting the stoicism of a patriot, expressed a hope that, if his brother had shared in their guilt, he might also share in their punishment. But Villiers was already beyond the sea in the employment of government, and could not reasonably be condemned without the opportunity of making his defence. Even Mompesson, probably through the influence of his patron, found the means to escape from the custody of the serjeant at arms. The lords, however, passed judgment both on the fugitive and on Mitchell, his colleague, that they should suffer imprisonment, pay fines, and be degraded from the honour of knighthood.
27. The king now came forward to complain of the deceit

* See Journals, 530. 538. 540, 541. 617.

which had been practised on his credulity ; and, as a proof of his indignation against the men whom he had secretly laboured to save, commuted, by his own authority, the imprisonment of Mompesson into perpetual banishment*.

But the patentees were comparatively ignoble game ; the lord chancellor, sir Francis Bacon, offered a higher and more reputable quarry. Nature had designed him to rule a master spirit in the world of letters ; but ambition led him to crouch at court in search of wealth and preferment. Neither did he fail in his object : industry and perseverance enabled him to overcome the jealousy of Elizabeth, the favouritism of James, and the intrigues of his competitors. He was not only in possession of the great seal ; in addition to the rank of baron, he had recently obtained, as a new proof of the royal favour, the title of viscount St. Alban's. But, if he found the ascent to greatness slow and toilsome, his fall was sudden and instantaneous. He had not borne his honours with meekness. Vanity led him into great and useless expenses ; his extravagance was supported by rapacity ; and the suitors in his court, even the successful suitors, complained that they were impoverished by the venality of the judge. His enemies echoed and exaggerated the charge ; and report made the value of presents which he had received during the three years of his chancellorship amount to 100,000*l*.†. James, who, while he admired the minister, felt no esteem for the man, indirectly hastened his fall by assuring the lords that, while Mar he hoped that the chancellor might be able to prove his 19. innocence, he was determined to inflict on him the

* Hacket's Life of Williams, 49, 50. Journals of Lords, 79, 73.

† He thus notices the report in a letter to Buckingham :—" It is an abominable falsehood. I never took penny for any benefice or ecclesiastical living : I never took penny for releasing any thing I stopped at the seal : I never took penny for any commissions or things of that nature : I never shared with any servant for any second or inferior profit. My offences I have myself recorded, wherein I studied as a good confessant guiltiness and not excuse." Bacon, vi. 391.

severest punishment, if it were shown that he was guilty*.

- It was not pretended that Bacon had been the first of these high officers to accept presents from the suitors in his court. The abuse was of long standing; it had been known and sanctioned by the last sovereign. But it was truly observed that no succession of precedents could justify a practice illegal in itself, and destructive of impartiality, one of the first qualifications in a judge. The commons presented their bill of impeachment, charging
- Mar. 21. the viscount St. Alban's with bribery and corruption in two and twenty instances himself, and with allowing acts of bribery and corruption in his officers. This stroke unnerved him: after an unsatisfactory interview with the king, he shrunk from the eyes of his accusers, and, under the pretence of sickness, retired to his bed; whence
- April 24. he wrote to the house a letter acknowledging the enormity of his offences, and soliciting mercy for the repenting sinner. The lords required a distinct answer to
30. every separate charge. He obeyed, confessing that each was substantially true, but alleging in extenuation that few of the presents were received before the decision of the cause, and that the larger sums were taken as loans of money to be afterwards repaid. He was spared the mortification of kneeling as a criminal at the bar of that house where he had so long presided as chancellor; but the judgment pronounced against him was sufficiently severe to deter his successors from a repetition of the
- May 3. offence. It bore that he should pay to the king a fine of 40,000*l.*, should be imprisoned during the royal pleasure, and should be incapacitated for life from coming within the verge of the court, from sitting in parliament, and from serving his country in any office of dignity or emolument†.

* Journals, 563.

† Lords' Journals, 53. 75. 84. 98. 106. In a letter to the lords, 9 March, 1620, he says that as chancellor he was accustomed to make 2000 decrees and orders in a year. Ellis. 2nd ser. 111. 237.

I may be allowed to pursue through a few lines the history of this extraordinary man. Of his guilt there was no doubt: but, had he submitted with patience to his fate, had he devoted to literary pursuits those intellectual powers which made him the prodigy of the age, he might have redeemed his character, and have conferred immortal benefits on mankind. He revised, indeed, his former works, he procured them to be translated into the Latin language, and he wrote a life of Henry VII.; but these were unwelcome tasks, suggested to him from authority, and performed with reluctance. He still looked back to the flesh pots of Egypt, the favours of the court; and in addition to the restoration to liberty, and the remission of his fine, boons which were granted, he solicited with unceasing importunity both a pension and employment. With this view he continued to harass the king, the prince, and the favourite, with letters; he pleaded his former services, he sought to move pity by prayers the most abject, and to win favour by flattery the most blasphemous. But his petitions were received with coldness, and treated with contempt; the repeated failure of his hopes soured his temper and impaired his health; and he died, the victim of mistaken and disappointed ambition, in the fifth year after his disgrace *. May 9.

Four other impeachments were carried before the 1621. lords during the session. Sir John Bennet, judge of the prerogative court of Canterbury, was charged with having

* This meanness of Bacon, so unworthy of his talents and acquirements, appears from the whole tenor of his letters written between his disgrace and his death. Bacon, vi. 280—294. On one occasion he entertained a design of maintaining that the judgment against him was not valid: 1^o. because it passed in a session in which the royal assent was not given to any bill except that of the subsidy; whence he inferred that all the proceedings were only "inchoate and not complete." 2^o. Because it had not been entered on record, and was only to be found in the journals written by the clerk. He consulted the learned Selden, who replied that he thought with him on the second point, but differed from him on the first, vi. 308—310. He is said to have died poor. The numerous and valuable legacies in his will, dated only a few weeks before his death, would prove the contrary, were it not that his executors refused to act, which may induce a suspicion that he left not wherewith to pay them. Ibid. 411—413.

granted for money the administration of wills contrary to law ; Field, bishop of Landaff, with brocage of bribery ; sir John Yelverton, attorney-general, with having aided the patentees, Mompesson and Mitchell, in their illegal proceedings* ; and Floyd, a catholic barrister and prisoner in the Fleet, with having expressed his satisfaction " that goodman Palsgrave and goodwife Palsgrave" (the palatine and his consort) had been driven from the city of Prague. The three first cases may be dismissed as of minor importance : but the last demands the attention of the reader, as it served to discriminate the respective duties of the two houses, to confirm to the lords their judicial rights, and to confine to the commons the mere power of impeachment. Floyd's offence was not one of the first magnitude, but it awakened the spirit of religious vengeance. As soon as it was mentioned, the commons resolved to punish the papist who had sacrilegiously presumed to rejoice at the disasters of protestant princes : the pillory, whipping, nailing of his ears, and boring of his tongue, were moved by different speakers ; and he was at last condemned by the house to pay a fine of 1000*l.*, to stand in the pillory in three different places two hours each time, and to be carried from place

May
1.

* 1^o. Bennet eluded his accusers by demanding time to prepare his defence. Before it expired the parliament was prorogued, and in the next session the charge and the punishment were forgotten. Soon afterwards Bennet was fined 20,000*l.* in the star-chamber, but obtained a pardon from the king. Bacon, vi. 383. 2^o. Field had bound a suitor in chancery, under the penalty of 10,000*l.*, to place 6000*l.* at his disposal, provided a favourable decree should be obtained from the lord chancellor, through the influence of his patron the marquess of Buckingham. But the anger of the house was disarmed by the entreaties of the archbishop : and, as it could not be proved that he was to receive a share of the money, the prelate was left to the censure of his ecclesiastical superior in the upper house of convocation. 3^o. Yelverton defended himself with spirit, and hinted that he should not have been a prisoner had it not been for the enmity of Buckingham, and his influence with the king. James instantly demanded justice for this double slander : the original charge against the attorney was forgotten, and for his recent offence he was condemned to pay a fine to the king, another to the favourite, and to be imprisoned at the royal pleasure. The fines were remitted. From the strange account of this matter in the despatches of the French ambassador Tillieres (Raumer, 255) I cannot form a very favourable notion of the judgment or accuracy of that envoy.

to place on horseback with his face to the horse's tail *. Floyd immediately appealed to the king, who the next morning sent to inquire on what precedents the commons grounded their claim to judge offences which did not concern their privileges; and by what reasoning it could be shown that a court, which did not receive evidence upon oath, could justly condemn a prisoner who denied the offence with which he was charged. The message disconcerted the popular leaders: to proceed was to encounter the opposition of the king and of the lords; and to retrace their steps was to confess that they had exceeded their powers. Several days passed away in unavailing debate; and at last, in a conference of the two houses, it was agreed that the accused should be arraigned before the lords; and that a declaration should be entered on the Journals, that his trial before the commons should not prejudice the just rights of either house †. But, if their defeat was evident, their vengeful feelings were abundantly gratified.—The lords added to the severity of the first judgment, and besides the pillory, a fine of five thousand pounds, and imprisonment for life, they degraded Floyd from the estate of a gentleman, declared him infamous, and condemned him to be whipped at the cart's tail from the Fleet prison to Westminster hall. A punishment so enormously disproportionate to the offence, if it were any offence at all, did not pass without animadversion: the next morning, on the motion of the prince, it was agreed that the whipping should not be inflicted, and, as an atonement

May
12.

25.

* Journals of Commons, 599. 602. There was often something ridiculous in the punishment inflicted by the house of commons. Thus they adjudged Moore and Lock, two officers, to "ride upon one horse, bare-backed, back to back, from Westminster to the Exchange, with papers on their breasts" with this inscription, For arresting a servant to a member of the commons house of parliament." Ibid. 638.

† The commons maintained that their house was a court of record, could administer an oath, and consequently give judgment: the lords would not enter into these questions, but denied that the case of Floyd was within their cognizance. By the lords it was understood that at last the judgment of Floyd was referred to them: but this the commons would not admit; they had judged Floyd; they hoped the lords would judge him also. Journals, 610. 619. 624.

for the precipitancy of the house, an order was made that in future judgment should not be pronounced on the same day on which it was voted*.

By this time the patience of James was exhausted. The parliament had continued four months. but what with impeachments and inquiries into grievances, and the preparation of bills of grace and reform, no further notice had been taken of the royal wants, no attention had been given to the king's request of a second and more liberal supply. It was thought that the country party looked on the sovereign as reduced by his distress for money to a dependence on their pleasure; to their astonishment and dismay a message announced his intention to adjourn the parliament at the conclusion of the week. Several violent and querulous debates ensued; the commons resolved to petition for a longer
 June time: and then, when a fortnight was offered, with the
 2. petulance of children (to use the king's expression) they refused the favour. On the appointed day the parliament was adjourned to November by commission; and
 4. immediately each house adjourned itself†.

In this session, or convention, as the king affected to call it, much had been done which might claim the gratitude of the nation. The prosecutions for bribery alone conferred on the people an invaluable benefit, by introducing into the ecclesiastical courts, and the courts of equity, that pure administration of justice which was acknowledged to prevail in the courts of common law. Yet the members of the lower house were ashamed to return to their constituents. They seemed to have forgotten the great object for which they had been sent to

* Lords' Journals, 148.

† It was held, as appears from the journals, that there was this difference between adjournment and prorogation: that to adjourn was only to suspend, to prorogue was to terminate the session: in the one case the business before the committees, and the bills in progress or awaiting the royal assent, remained in statu quo; in the other every thing was quashed, and all past proceedings rendered of no effect. The king, therefore, preferred an adjournment, that the parliament at the next meeting might take up the business in the state in which it had been left at this.

parliament, and which interested so warmly the religious feelings of the people. That they might, however, seem to do something, a few minutes before the adjournment a member proposed a declaration that, unless the troubles in Germany were satisfactorily arranged by treaty during the recess, they would, on their return to the house, be ready to sacrifice their fortunes and their lives for the restoration of the prince Palatine, and the support of the true religion. It was voted by acclamation; and, to confirm it with the solemnity of religious worship, sir Edward Coke, falling on his knees, recited with great emphasis and many tears the collect for the king and royal family from the book of common prayer*.

The king's first solicitude after the adjournment was to appoint a successor to Bacon. There were three candidates; Ley and Hobart, the two chief justices, and sir Lionel Cranfield, a merchant from the city, who by marrying a relative had purchased the favour of Buckingham. Williams, dean of Westminster, if we may believe his biographer, secretly aspired to the place, but openly supported the pretensions of Cranfield, under the expectation that the incompetency of the latter might induce the king and the favourite to turn their thoughts on himself. This policy succeeded: when the seal was offered to him he pretended surprise, modestly objected his inexperience in matters of law, and acquiesced, with apparent reluctance, on condition that two judges should sit with him as assistants, and that he should not be considered as in actual possession, but only upon trial, for eighteen months. James first named him to the vacant bishopric of Lincoln, and then gave to him the July custody of the great seal, with the title of lord keeper.¹⁰ It was long since a churchman had presided in the chancery; the lawyers looked on his elevation with displeasure, and treated him with contempt. But their reluctance yielded to considerations of interest; and in a

* Journals, 639. Cob. Parl. Hist. i. 1294.

short time they submitted to plead before him after the usual manner*.

Williams had scarcely accepted his office, when an occurrence took place, which threw the whole church into confusion, and even perplexed the theological abilities of the king. Archbishop Abbot had joined the lord Zouch on a hunting party at Bramzhill park in Hampshire. One morning, having singled out a buck, and warned the company to be on their guard, he took his aim, and through mistake or want of skill, shot the keeper of the park, who was accidentally passing on horse-back. The coroner's inquest returned a verdict of unintentional homicide; but it was still contended that by the canon law the archbishop had become irregular, and consequently incapable of holding any ecclesiastical preferment, or of exercising any ecclesiastical function. The solution of this question depended on another; whether the amusement which led to the accident were allowable in a person of his rank and character. By his friends it was alleged that the canons permitted clergymen to hunt, provided it were done with moderation, and for the sake of health; and that the laws of the land ratified the custom by giving to bishops parks and free warrens. His opponents replied, that the same canons expressly prohibited all hunting in which deadly weapons were employed; and that, if the law secured to the prelates the right of the chase, it was as an appendage to their secular baronies, and to be exercised, like all other secular rights, not by themselves in person, but by their lay servants and deputies†.

It chanced that at this very time there were four bishops elect, all of whom refused to receive consecration from the hands of the metropolitan, as long as this question remained undetermined. They founded their

* Such is the account given by Hacket, his biographer, but Williams himself asserts that he had no expectation of the office when it was conferred upon him. Rymer, xvii. 297. "It was rumoured every quher that "hes too grate familiaritey with Buckingham's mother procured him "thesse grate favors and preferments one a suddaine." Balfour, ii. 93.

† See the apology for Abbot and the answer in Howell's State Trials, 11.

objection on scruples of conscience; though it was maliciously whispered that two at least of the number, Williams, lord keeper, and Laud, bishop of St. David's, cherished a stronger motive, the hope of succeeding Abbot in the archiepiscopal dignity, if he were pronounced incapable of executing its duties*. James appointed a commission of prelates and canonists: but they could not agree in opinion, and proposed that Abbot should be absolved from all irregularity *ad majorem cautelam*. But where was the ecclesiastical superior to absolve the metropolitan? In this unprecedented case it was answered that the king, as head of the church, possessed that plenitude of power, which in catholic countries was held to reside in the pope. Nov. 22. James, therefore, having first granted him a pardon in law, issued his commands to eight bishops, who assuming for the ground of their proceedings, that the "hunting" aforesaid was decent, modest, and peaceable, and that "every possible precaution had been employed to prevent accident," absolved the metropolitan from all those censures which he might have incurred, and for greater security restored to him the offices and rights which he before held†. But Abbot had never been a favourite. He now appeared before the king marked with the stigma of homicide; his facility in licensing books, which bore hard on the ceremonies and discipline of the church, gave continual offence; and towards the end of his life he never appeared at court, except on occasions of parade and ceremony.

But the chief anxiety of the king was to prepare for

* I give little credit to the story told by Hacket (i. 63.) of the unwillingness of James to give a bishopric to Laud. He had long been the king's chaplain; he was also confessor to Buckingham; he had been chosen to accompany them both into Scotland, and only three weeks before his appointment, James had accused himself of neglect, and had promised him preferment. Laud's Diary, p. 4. By the statutes of St. John's college, of which he was president, he could no longer hold that office. James absolved him from the oath by which he was bound to observe the statutes; (Rymer, xvii. 323), but Laud scrupled to avail himself of the absolution, and resigned. Diary, p. 4.

† Ibid. and Wilk. Con. ii. 462. Rymer, xvii. 377—340.

the approaching session of parliament. That he might silence the complaints of the popular leaders, and prevent their intended attacks upon his prerogative, he adopted the advice of Williams, abolished by proclamation six and thirty of the most obnoxious patents, appointed commissioners to inquire into the causes which led to the disappearance of the gold coin, and framed regulations for the increase of trade in the principal outports. On the continent his ambassadors were seen posting to almost every court of Europe; where they employed arguments, bribes, and supplications in favour of the Palatine. But all the efforts of the king were frustrated by the stubbornness of that prince, the uncontrollable temper of his chief partisan count Mansfield, and the ambition of the duke of Bavaria, who sought to annex the palatinate to his own dominions. James could, however, boast that if Heidelberg, Manheim, Frankendale, and Worms still acknowledged the sway of their native sovereign, it was owing to his exertions in maintaining within their walls 5000 men under sir Horace Vere, and in having prevented the defection of Mansfield's 16,000 mercenaries by a seasonable present of 40,000*l*. Under these circumstances he indulged a hope that his concessions would mollify the obstinacy of the commons, and that his remittances to the palatinate would convince them of his attachment to the protestant interest in Germany, and of his sincere desire to preserve the dominions of the unfortunate Frederic*.

* For some years the Turkish pirates from the Mediterranean had occasionally made prizes in the Channel, and repeatedly carried off the inhabitants of the coast of Ireland into slavery. To punish their insolence the king proposed a joint expedition at the expense of the different christian powers; and the last summer he had been persuaded to send out a squadron under the command of the vice-admiral sir Robert Mansell, with instructions to burn the piratical vessels within the harbor of Algiers. The attempt was made with that bravery which always distinguishes British seamen (1621, May 24), but the assailants had no sooner retired, than the inhabitants, aided by a heavy shower of rain, extinguished the flames, and the whole loss of the Turks amounted only to two vessels, which had been consumed. The booms which they now threw across the harbour, and the additional batteries which they mounted on the mole, deterred Mansell from a second attempt. The pirates in the course

When the parliament re-assembled, the royal com-
missioners (the king lay indisposed at Newmarket) called upon the lower house to redeem the pledge which had been given at the close of the last session, and to enable the sovereign to interpose with weight and efficacy in favour of the Palatine. But they spoke to dissatisfied and irritated minds. Among the popular orators in former debates, no persons had distinguished themselves more than sir Edward Coke and sir Edwin Sands. But 1°. the riches which Coke had amassed while he remained in office, had awakened suspicions of his integrity; and his intemperate language and overbearing carriage had created him numerous enemies. At the instigation of Bacon and lady Hatton inquiries had been made into his conduct as judge, and during the recess a prosecution was commenced against him on a charge of misdemeanor under eleven heads. 2°. Sir Edwin Sands had uttered several bold and violent speeches during the last session, and to screen himself from the royal indignation, had obtained from the house before the adjournment, a declaration that he had only done his duty and had never transgressed the bounds of decorum *. He was, however, arrested with Selden his legal adviser, examined on some secret charge before the council, and after a detention of a month, restored to liberty. Their friends did not conceal their suspicions. They represented Coke and Sands as martyrs in the cause of the people, and declaimed with bitterness against the mean and despotic vengeance of the court. The commons took up the question with extraordinary warmth. They ordered the accusers of Coke to be taken into custody by the sergeant at arms, appointed a committee to examine witnesses, and made an attempt to establish the fact of a conspiracy against

Nov. 14.

1620.
June 1.

of the year repaired their loss by the capture of thirty-five English merchantmen; and the whole kingdom rung with complaints of an expedition which served only to injure the trade, and to bring disgrace on the character of the nation. Cabala, 323. Rushworth, 38. Camden, 654. 658.

* Journals, 636.

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him, originating in motives of hostility to his political conduct. Sands at the opening of the session was confined by sickness to his bed. But his case was brought forward by his friends : and, though the secretary of state declared that his arrest had no connexion with his behaviour in that house, two members were appointed to visit him, and to solicit from him a disclosure of the truth*.

While the commons remained in this temper of mind, it was easy to spur them on to a quarrel with the sovereign. They had evinced some disposition to grant the king a single subsidy, but resolved to present previously, and according to their custom, a petition against the pretended growth of popery. It asserted that the pope aspired to universal dominion in spirituals, the king of Spain in temporals; that to these two powers the English papists looked for the support of their religion; that their hopes had been elevated by the disasters of the Palatine, and the report of an intended marriage between the prince and the infanta of Spain; that they resorted in crowds to mass in the chapels of foreign ambassadors, sent their children to be educated in foreign parts, and were allowed to compound for their forfeitures on easy terms; whence it was to be feared that connivance would beget toleration, toleration would be followed by equality, and equality would soon be improved into ascendancy. On these accounts the house prayed that the king would enter vigorously into the war in Germany, would order an expedition to be sent against some part of the Spanish territory, would marry his son to a protestant princess, would appoint a commission to put in force all laws made and to be made against papists, would recall the sons of noblemen and gentlemen from parts beyond the sea, would order all children, whose fathers and mothers were catholics, to be taken from their parents and brought up protestants, and

* Journals, 643, 644. 662.

would annul, if it could be done by law, all inadequate compositions hitherto made for the forfeitures of recusants.

James furtively received a copy of this petition almost as soon as it was drawn. It threw him into a paroxysm of rage. To complain of the growth of popery was not uncommon: but to embody in it insinuations against the honour of his ally the king of Spain, to advise the invasion of the territories of a prince who had given no cause of offence, to dictate to the sovereign in what manner he was to dispose of the prince in marriage, were, in his opinion, instances of presumption which had no precedent, invasions of his prerogative which demanded the most prompt and energetic resistance. He wrote immediately to the speaker, complaining of the influence possessed by certain "fiery, popular, and turbulent spirits" in the lower house, forbidding them to inquire into the mysteries of state, or to concern themselves about the marriage of his son, or to touch the character of any prince his friend or ally, or to intermeddle with causes which were submitted to the decision of the courts of law, or even to send to him their petition, if they wished him to hear or answer it. As for Sands, they should know that his public conduct was not the cause of his commitment; but at the same time should recollect that the crown possessed, and would exercise, the right of punishing the misbehaviour of the members both in and out of parliament. Dec. 4.

From the angry tone and menacing language of this letter, the popular leaders might have inferred, that not only the rights which they claimed, but their personal safety, were at stake. But they knew the weak and vacillating disposition of the king. If he were passionate, he was also timid; if prompt to threaten, yet slow to execute. In strong but respectful terms they presented to him a justification of their conduct; and James, instead of replying with the brevity and dignity of a sovereign, returned a long and laboured, though 7 14.

bitter and sarcastic, answer. A war of petitions and remonstrances, messages and recriminations was commenced: one controversy begot another; the commons termed their claims the birthright of the nation, the king pronounced them favours conceded by the indulgence partly of his predecessors, and partly of himself. Yet, as had been foreseen, his warmth began to cool; he lowered the lofty tone which he had assumed; he even sought by a conciliatory message to waive every existing subject of debate. But his opponents were of a more unyielding character. That very day, the eve of the Christmas recess, they entered a protestation on their journals, that "the liberties and jurisdictions of parliament are the ancient and undoubted birthright and inheritance of the subjects of England; that arduous and urgent affairs concerning the king, the state, and defence of the realm, and the church of England, the making and maintenance of laws, and the redress of grievances, are proper subjects of counsel and debate in parliament; that in the handling of these businesses every member hath and ought to have freedom of speech; that the commons in parliament have like liberty to treat of these matters in such order as they think proper; that every member hath like freedom from all impeachment, imprisonment, and molestation (other than by the censure of the house itself) concerning any bill, speaking or reasoning touching parliament matters; and that if any be complained of for any thing said or done in parliament, the same is to be showed to the king by assent of the commons, before the king give credence to any private information." This measure revived the former jealousy and irritation in the breast of James. Sending for the journals, he tore out with his own hand the obnoxious protestation in the presence of his council, and a few days later dissolved the parliament*.

Dec. 18.

30.

1622.

Jan. 6.

* Rushworth, i. 40—56. Journals, 206. On the 19th, Parliament was adjourned by royal commission in the house of lords. The commons were

Few of the popular leaders escaped the king's resentment. The earls of Oxford and Southampton from the upper house, and Coke, Philips, Pym, and Mallory, from the lower, were summoned before the council, and committed, some to the Tower, some to the Fleet, and others to the custody of private individuals. The cause of their committal, though manifest, was not avowed; and the pretended offences brought forward by the ministers, showed that they dared not openly oppose the liberties, the exercise of which they laboured covertly to suppress. There were four other members of the commons, Diggs, Crew, Rich, and Perrot, equally obnoxious to the court, and equally marked out for vengeance. But their previous conduct defied the scrutiny of their adversaries; who, unable to charge them with any criminal offence, resolved to send them into exile under the pretext of an honourable employment. They received orders to proceed to Ireland, and were joined in a commission with certain persons resident in that kingdom, to inquire into the state of the army, the church, and places of public education; into abuses in the collection of the revenue; into illegal and injurious patents; and into the numerous frauds committed by the undertakers of the new plantations. It was in vain to remonstrate: they were told that the king had a right to employ the services of his subjects in any manner which he thought proper; and these men however bold they had felt themselves in the company of their colleagues in parliament, dared not as private individuals to engage in a contest against the crown.

not present; and when the fact was announced, replied that they would adjourn themselves. Ibid. "The same day his majestie rode by coach to Theobalds to dinner, not intending, as the speech is, to returne till towards Easter. After dinner, ryding on horseback abroad, his horse stumbled and cast his majestie into the New-river, where the ice brake: he fell in, so that nothing but his boots were seene: sir Richard Young was next, who alighted, went into the water, and lifted him out. There came much water out of his mouth and body. His majestie rid back to Theobalds, went into a warme bed, and, as we heare, is well, "which God continue." Ellis, Original Letters, vol. iii. p. 117.

They submitted to their punishment, and Coke, to mollify the displeasure of his sovereign, offered to accompany them on their mission, and to aid them with his advice. The offer was refused: but he, as well as the other prisoners, regained his liberty after a short confinement, and a suitable submission*.

While James condemned as a sovereign the ambition of his Palatine, he felt as a parent for the misfortunes of his daughter and her children. Hitherto all his efforts in their favour had proved unsuccessful: the late quarrel with his parliament had added to his embarrassment, and he rested his last hope on the friendship and mediation of the king of Spain. Several years ago he had sought to connect himself with France by soliciting the hand of the princess Christine for his eldest son Henry, and on the death of Henry, for his only surviving son Charles†. But Christine was already contracted in private to Philip, prince of Spain, whom she afterwards
 1615. married on the same day on which her brother Louis
 Oct. married Anne of Austria, the sister of Philip. But
 18. besides Anne there was another infanta, Donna Maria, and her the Spanish minister, the duke of Lerma, offered to prince Charles in the place of Christine; though there is reason to believe that he had no intention to conclude the match, and threw out the project merely as a bait to seduce the English king from his near connexion with the French court. By James, however, the proposal was cheerfully entertained, under the idea that the riches of the father would supply a large portion with the princess, and his superior power would render him a more valuable ally. His views were eagerly seconded by Gondomar, the Spanish, and by Digby, the English ambassador; both of whom considered the accomplishment of the marriage as a certain

* Rushworth, i. 55.

† Henry died on the 6th of November: on the 9th Charles was offered to the princess in his place: so eager was James for the alliance, and so little did he appear to feel for the death of his son. Birch, 372.

pledge of their future aggrandizement. By their exertions the chief difficulty, difference of religion, was apparently surmounted: twenty articles, securing to the princess the free exercise of the catholic worship in England, received the approbation of the two monarchs; and James was induced to promise that he would never more suffer catholic priests to be executed for the sole exercise of their functions, and that he would grant to the catholic recusants every indulgence in his power*. Though the negotiation was kept secret, its general tendency transpired; the clergy and the more zealous of their hearers maintained that religion was in danger from the restoration of popery; and the result was that petition of the commons, which provoked the dissolution of the late parliament.

The misfortunes of the Palatine added a new stimulus to the exertions of James, who saw in a family alliance with Spain, the only probable means of preserving the patrimonial dominions of his son-in-law. But his eagerness was most vexatiously checked by the proverbial tardiness of the Spanish cabinet, and by the reluctance of Philip to trust his daughter, a child only twelve years old, in a court where she might perhaps be seduced from the religion of her fathers. But Philip died; and the accession of his son, the fourth of the same name, revived the hopes of the British monarch. Both James and Charles wrote to the new king and his favourite Olivarez; Gondomar was persuaded to return to Spain; Digby, now earl of Bristol, followed to accelerate the negotiation; and a favourable answer was returned, stating the earnest desire of Philip to conclude the marriage of his sister, and his willingness, at the request of James, to interpose his good offices in behalf of the Palatine †.

As a preparatory step, a dispensation was solicited from the pope by the Spanish king through the agency of

* See the letter in Prynne's *Hidden Works of Darkness*, p. 8.

† Rushworth, i. 56.

his ambassador, the duke of Albuquerque, and of the Padre Maestro, the chief clergyman attached to the Spanish legation in England. It had been agreed that James should not appear in the negotiation; but such was his impatience, that he despatched George Gage, a catholic gentleman, to Rome, with letters to the pope, and the cardinals Ludovisio and Bandini, while his favourite, Buckingham, employed for the same purpose Bennet, a catholic priest and agent for the secular clergy*. To the request of these envoys the pontiff replied, that he could not dispense with the canons, unless it were for the benefit of the church; that though James had promised much to the late king of Spain, he had yet performed nothing; but let him, as he had offered, relieve the catholics from the pressure of the penal laws, and then a sufficient ground would be laid for the dispensation †.

- July 25. This suggestion was not lost on the English monarch. He ordered the lord keeper to issue, under the great seal, pardons for recusancy to all catholics who should apply for them in the course of five years, and instructed the judges to discharge from prison, during their circuits, every recusant able and willing to give security for his subsequent appearance. This indulgence awakened the fears of the zealots; and Williams, to silence their complaints alleged, 1°. that some modification of these severities had become necessary to satisfy the catholic princes, who threatened to enact, against the protestants in their dominions, laws similar to those under which the catholics groaned in England; 2°. that it was in reality a very trifling relief; for if the recusants were no longer in prison, "they had still the shackles about their

* See note (F).

† MS. letter from Bennet in my possession. Pryne, p. 8. It appears from the Hardwicke papers, that during these negotiations the king wrote two letters to different popes. The greatest secrecy was observed. Of their contents the only thing mentioned is a request, that the pontiff would withdraw the jesuits out of the British dominions. Hard. papers, i. 458. 469.

"heels," and might be remanded at pleasure; and 3°. that it could create no danger to the protestant ascendancy, as it did not extend to any prisoner confined for those religious acts, which the law had converted into capital offences. But, though his arguments might appease the protestants, they alarmed the catholics; a suspicion was provoked that James acted with his former duplicity; and if Gondomar boasted in Spain that four thousand catholics had been released from confinement, it was replied, that "they had still the shackles about their heels," and would enjoy their liberty no longer than might suit the royal convenience*.

While the king was negotiating in favour of the Palatine, the enemies of that prince had taken the field. Heidelberg surrendered: Manheim was threatened; and there was every appearance that in the course of a few weeks the last remnant of his patrimony would be torn from him for ever. The news aroused the spirit of James, who complained that he had reason to expect a very different result from the interposition of the Spanish court, and ordered Bristol to return to England, unless he should receive a satisfactory answer within ten days†. But Philip was able to show that the blame ought not to be imputed to him; he ordered his forces in the palatinate to co-operate with those of James, and the treaty of marriage proceeded rapidly towards its conclusion. The religious articles respecting the infanta, 1623, with several corrections made in Rome, were subscribed by James and his son; who, moreover, promised, on the word of a king and a prince, that the English catholics should no longer suffer persecution or restraint, provided they confined to private houses the exercise of

* Dodd, ii. 439. Cabala, 293—296. Rushworth, i. 63. Prynne, 13, 14, 15.

† To this despatch, however, was added a private note, forbidding Bristol to come away without additional orders, "though," says James, "publicly and outwardly you give out the contrary, that we may make use thereof with our people in parliament, as we shall hold best for our service." Prynne, 20.

their worship*. It was agreed that the dower of the princess should be fixed at 2,000,000 of ducats; that the espousals should be celebrated within forty days after the receipt of the dispensation; and that the departure of the princess, under the care of Don Duarte of Portugal, should follow in the course of three weeks. Even the two last points in debate, the time for the consummation of the marriage, which the Spaniards sought to delay for a few months, and the intervals between the several payments of the portion, which one party wished to prolong, the other to contract, were, after some dispute, amicably arranged: and Bristol and his colleague
 Mar. 2. Aston, the resident ambassador, congratulated themselves that they had brought this long and difficult negotiation to a successful issue†.

- It was at this moment that two strangers, calling
 7. themselves John and Thomas Smith, arrived in the dusk of the evening at the house of the earl of Bristol, in Madrid. They were the prince of Wales and the marquess of Buckingham, who had left England without the privity of any other person than the king, and
 Feb. 18. had travelled in disguise, with three attendants, to the capital of Spain‡. The project of this extraordinary journey had originated with Gondomar, during his embassy in the preceding summer: its execution had been hastened by despatches received from him in the preceding month. To the youthful mind of Charles it presented a romantic, and therefore welcome, adventure, far superior in point of gallantry to the celebrated voyage of his father in quest of Anne of Denmark: to Buckingham it promised something more than pleasure, the glory of completing a treaty which, for seven years, had

* These articles and corrections are published in the *Mercure Francois*, ix. 517. and in *Du Mont, Corps Diplomatique* V. partie, ii. p. 432: but more correctly by Prynne, p. 4, where the first column contains the articles agreed upon by James and Philip III., the second the same, corrected by Gregory XV. See also Clarendon papers, i. 4—7.

† Hardwicke papers, 400. 404. 496—498. Prynne, 14—25. Clarendon papers, i. App. xxx.

‡ Sir Francis Cottington, Endymion Porter, and sir Richard Graham.

held the nations in suspense, and the opportunity of establishing a powerful interest, not only in the heart of the prince, but also of his expected bride*.

Bristol received his distinguished guests with the respect due to their rank, but without any expression of surprise. From the conversation of Gondomar, he had previously collected sufficient to infer that such a journey was in contemplation; and, to prevent it, had recently despatched a messenger, who passed the travellers in the vicinity of Bayonne†. But though he assumed an air of satisfaction, he felt the keenest disappointment. Buckingham had interposed between him and the completion of his labours; and he foresaw that, if the arrogance and licentiousness of the favourite did not interrupt the treaty, his rapacity and ambition would reap all the benefit, and monopolize the glory.

The king, the nobility, and the population of Madrid, seemed at a loss to testify their joy at this unexpected event. The prince was received with every complimentary honour, which Spanish ingenuity could devise; the prisons were thrown open; the disposal of favours was placed in his hands; he was made to take precedence of the king himself; and two keys of gold gave him admission, at all hours, into the royal apartments‡. His visit was considered not only as a proof of his reliance on Spanish honour, an earnest of his attachment to the Spanish princess, but also as a prelude to his conversion to the catholic faith. Such hopes had already been held out by Gondomar, and, there is reason

* Howell's Letters, tenth edition, p. 132. Ellis, Original Letters, iii. 134. The earl of Bristol asserted before the lords that the journey was planned between Buckingham and Gondomar, and that he would prove it to their conviction. Journals, 586. 640. Buckingham, however, told Gerbier, that it originated with himself. He hoped by it to procure the palatinate, or at least to bring the sincerity of the Spaniards to the test. D'Israeli, iii. 442. from Sloane MSS. 4181.

† The prince stopped him, and opened his despatches, but being unable to decipher them, suffered him to proceed. Hardwicke papers, i. 403.

‡ Ellis, iii. 142. James observes on this subject:—"The news of your glorious reception there, makes me afraid that ye will both miskenne 'your olde Dads hereafter.'" p. 139.

to believe, not entirely without foundation. From the contradictory assertions of Buckingham and Bristol, who afterwards charged each other with having advised that measure, it may be difficult to elicit the truth; but the two travellers, in the first letter which they despatched to the king, to announce their arrival, requested to know how far he could be induced to acknowledge the authority of the pope. Whatever might have been their object in putting this extraordinary question, it was marred by the resolute answer of James*. Still the prince hesitated not, in reply to a letter from the pontiff, to promise that he would abstain from every act of hostility to the Roman catholic religion, and would seek every opportunity of accomplishing a re-union between the two churches†.

In England the sudden disappearance of the prince had excited surprise and alarm: the intelligence of his arrival in Spain, though celebrated at the royal command with bonfires and the ringing of bells, was received with strong expressions of disapprobation. But James remained faithful to his word. He refused to listen to those who condemned or remonstrated‡; he

* "If the pope will not grant the dispensation, then we would gladly have your directions how far we may engage you in the acknowledgment of the pope's special power: for we almost find, if you will be contented to acknowledge the pope chief head under Christ, the match will be made without him." Mar. 19. On the 25th James replies that he knows not what they mean by acknowledging the pope's spiritual supremacy. He is sure they would not have him renounce his religion for all the world. Perhaps they allude to a passage in his book, where he says, that if the pope would quit his godhead and usurping over kings, he would acknowledge him for chief bishop to whom all appeals of churchmen ought to be en dernier ressort. That is the furthest his conscience will permit him to go. He is not a monsieur, who can shift his religion as easily as he can shift his shirt when he cometh from tennis. *Hard Papers*, ii. 402. 411.

† "Ab omni demum actu temperabimus, qui aliquam prae se speciem ferat nos à Romanâ catholicâ religione abhorrere, sed omnes potius captabimus occasiones, quo . . . in ecclesiam unam unanimiter coalecamus." *Ibid.* i. 453. "This letter," says lord Clarendon, "is by your favour more than a compliment;" and Urban viii. calls it "litteras testes sum in Romanos pontifices voluntatis." *Rushworth*, i. 95.

‡ Among these was archbishop Abbot, whose letter proved the bitterness of his zeal as a divine, and the soundness of his principles as a statesman. "By your act," he says to the king, "you labour to set up that most damnable and heretical doctrine of the church of Rome

forwarded to Charles officers, and chaplains, and jewels; and he raised Buckingham to the higher title of duke, that he might equal in rank the proudest grandee in the Spanish court. In addition (so blind was the confidence of the doating monarch), he assented to the request of the adventurers that their proceedings should be concealed from the knowledge of his council, and by a solemn promise in writing, engaged to ratify whatever they might conclude with the Spanish minister*. Never did sovereign deceive himself more miserably. Baby Charles and his dog Steenie (such were the elegant appellations which they gave to themselves in their letters) proved unequal to the task which they had assumed. Charles was imprudent, Buckingham resentful: instead of accomplishing the marriage, they dragged the unsuspecting king into a war; and his disappointment and vexation contributed not only to embitter, but to shorten his days.

It was not without reluctance that Olivarez had agreed to the conditions proposed by Bristol and Aston. He knew that the clergy and nobility of Spain objected to the match; the king was still a minor in his twentieth year; and the whole responsibility of the measure rested on his own shoulders†. The arrival of the royal stranger suggested the hope of obtaining more favourable terms. His inexperience would render him less cautious, his ardour less stubborn; he had rashly placed himself at the mercy of the Spanish ministry,

* you show yourself a patron of those doctrines which your conscience tells "yourself are superstitious, idolatrous, and detestable. Add to this what "you have done in sending your son into Spain without the consent of "your council or the privy of your people. Believe it, sir, howsoever "his return may be safe, yet the drawers of him to that action will not "pass away unquestioned, unpunished. Besides this toleration which "you endeavour to set up by proclamation, it cannot be done without a "parliament, unless your majesty will let your subjects see, that you will "take to yourself a liberty to throw down the laws of your land at pleasure." Prynne, 40. Rushworth, 85.

† Hardwicke Papers, 410. 417. 419. Cabala, 129. Ellis, Original Letters, iii. 139.

‡ Hard. Papers, i. 424. 426. Howell's Letters, 124, 125. Lords' Journals, 226.

and must submit either to purchase his bride at any price, or to incur the disgrace of having passed the sea on a visionary and sleeveless errand.

In private conversation with Charles and Buckingham, Olivarez insinuated that the negociation with Bristol had been more for show than reality; that now was the time to treat in good earnest, when every difficulty might be surmounted by the presence of the prince and the wisdom of his adviser*. The young men suffered themselves to be duped by the flattery and cunning of the Spaniard. In defiance of the remonstrances of the two ambassadors the discussion was re-opened; the articles already agreed upon were re-considered; and Olivarez was careful to supply new subjects of debate, while Buckingham looking on Bristol as a rival, rejected his advice, and treated him with scorn and neglect.

April 12. The dispensation had been granted, but, at the request
 N. S. of Olivarez, it was accompanied with two sets of instructions to the nuncio Massimi, one to be made public, the other to be communicated to no one but the Spanish minister. By the first the nuncio was forbidden to part with the dispensation till he had obtained as previous conditions promises of the conversion of the prince to the catholic faith, and of the repeal of the penal laws against the catholic worship: not with any expectation that such demands would be granted, but that the refusal on the part of the prince might supply a pretext for keeping back the dispensation, as long as might suit the views of the Spanish cabinet. By the other he was ordered to procure for the British catholics every indulgence in his power, but to deliver the dispensation to the king of Spain, whenever it should be required†. By this artifice a new field was opened for discussion and delay: every proposal was first debated between the

* See in the Lords' Journals Buckingham's proofs that the Spaniards were insincere, and Bristol's proofs to the contrary, 2:1. 226, 663. It is plain that, if the former were conclusive, they refer chiefly to the negociation under Philip III.

† MS. despatch of Card. Ludovico, of 18th April, 1623. N. S.

parties, then carried before the council, and thence transmitted to a junta of divines, to whom, as the question concerned the king's conscience, Olivarez contended that the decision properly belonged. The result was a public and a private treaty*. The first, according to the former agreement, stipulated that the marriage should be celebrated in Spain, and afterwards ratified in England; that the children should remain till the age of ten years under the care of their mother; that the infanta and her servants should possess a church and chapel for the free exercise of their religion; and that her chaplains should be Spaniards, living under canonical obedience to their bishop. The private treaty contained four articles; that none of the penal laws for religion should be executed; that the catholic worship in private houses should be tolerated; that no attempt should be made to seduce the princess from the faith of her fathers; and that the king should exert all his influence to obtain the repeal of the penal statutes in parliament. Both James and the lords of the council swore to the observance of the public treaty in the royal chapel at Westminster†: the king alone, to that of the secret treaty, in the house of the Spanish ambassador, and in the presence of four witnesses‡.

July
20.

The royal oath did not, however, give entire satisfaction. The conduct of James at a more early period had imprinted on his character the stigma of insincerity; and the doubts of Philip were nourished by the de-

* Du Mont, v. part ii. 440. Prynne, 40. Clarendon Papers, i. App. xxiv—xxviii.

† Archbishop Abbot, notwithstanding his letter, took the oath with his colleagues, a condescension which delighted the king: "now I must tell you miracles: our great primate hath behaved himself wonderfully well," &c. Hard. Papers, i. 428.

‡ James previously protested that he did not mean to resign the power of enforcing the laws against the catholics, if they should embroil the government; that he swore safely to the repeal of the laws, because he was sure that he could not effect it, and that he should not be bound by his oath, if the marriage did not take effect. Prynne, 47. Hardwicke Papers, i. 428—430. Clarendon Papers, i. 10. He would not have sworn at all, had he not promised to ratify every agreement made by Charles at Madrid. Ellis, Original Letters, ii. 154.

spatches of his ambassadors*. He proposed that the marriage should be consummated in Spain, and that both the princess and the dower should remain there till the following spring, as a security that the promised indulgence should in the mean time be actually granted to the catholics. But by this time the patience of the prince was exhausted, and both interest and pride induced his companion to advise his return to England. 1°. Buckingham had learned that his real but secret enemies were more numerous than he had supposed. His absence had emboldened them to whisper occasionally in the royal ear instances of his indiscretion and abuse of power, and the friends of Bristol were eager to paint in the most vivid colours the insults offered to that able minister by the arrogance and presumption of the favourite. Aware also of the easy and credulous disposition of his master, he knew not what impression might be made by the repeated charges of his enemies; and began to listen to the entreaties of his dependents, who admonished him, as he tendered his own greatness, to hasten back to England, and to resume his former place near the person of his sovereign †. 2°. To prolong his stay at Madrid was become irksome to his feelings, perhaps dangerous to his safety. His frequent quarrels with Olivarez, though apparently suppressed at the command of Philip and Charles, had created a deadly enmity between the two favourites; the levity of his

* For this there is some reason. When the ambassadors desired the king to issue a proclamation forbidding all persecution of catholics on the ground of conscience, he replied that a proclamation was but a suspension of the law, which might be made void by another proclamation, and did not bind a successor: he would rather grant them an immunity from all penalties for the time to come, and forbid the magistrates, judges, and bishops to put the laws in execution against them. But when this was intimated to the lord keeper, he refused to issue the prohibition, as being a thing unprecedented in the kingdom. *Hardwicke Papers*, i. 437. *Cabala*, 297. *Rushworth*, 101.

† See a letter in *Cabala*, 128. "My lord of Bristol hath a great and more powerful party in court than you imagine; insomuch that I am confident, were the king a neuter, he would prevail." *Ibid.* 129. *Laurel* was very active in his correspondence with the duke, informing him of the cabals against him. *Heylin*, 105. 113.

manners, the publicity of his amours, and his unbecoming familiarity with the prince, daily shocked the gravity of the Spaniards; and the king himself had said, or was reported to have said, that his sister never could be happy as a wife, if so violent and unprincipled a man continued to enjoy the confidence of her husband. The duke knew that he had forfeited the esteem of the Spanish court: and resentment on the one hand, interest on the other, led him at last to oppose that match, which it had hitherto been his great object to effect*.

A new cause of delay had arisen from the unexpected death of Gregory XV. As no use had been made of July 14. the dispensation granted by that pontiff, it was held necessary to procure another from his successor. In the mean while another treaty was concluded and signed, 26. by which the prince engaged to marry the infanta at Madrid, on the arrival of the answer from Rome, the king and Aug 4. to send her to England on the first day of the following month of March†. Charles, however, had no intention to be bound by this agreement; he assured his father July 29. that he would never consent to any ceremony of marriage, unless with the assurance that his wife should accompany him home, and to further his project he requested a royal order for his immediate return. Its arrival rendered a new arrangement necessary. It was Aug 22. stipulated that the espousals should take place before the feast of Christmas; that at the ceremony the prince should be represented by Philip or his brother Don Carlos, and that a procurator with full powers to that

* "The truth is that this king and his ministers are grown to have a great dislike against my lord duke of Buckingham,—they judge him to have so much power with your majesty and the prince, to be so ill affected to them and their affairs . . . unless you find some means of reconciliation, or let them see that it shall not be in his power to make the infanta's life less happy," &c. Bristol to the king, *Hard. Papers*, i. 477. also 479. *Cabala*, ii. 98. 99. 271. 276. 308. 358. *Howell's Letters*, 138. *Journals*, 224.

† In consequence of this agreement a public bull-fight, and a most gorgeous jeu de cannas, in which the king, his brothers, and nobles, displayed all their magnificence, was exhibited at Madrid. See the description in *Somers' Tracts*, ii. 532—540.

- effect should be deposited with the earl of Bristol, and be delivered by that minister to the king within ten days after the receipt of the papal answer. These articles were reciprocally confirmed by oath: the infant
- Sept. 7. assumed the title of princess of England, and a court was formed for her corresponding to her new dignity.
9. Philip and Charles parted from each other as brothers, with professions of the warmest attachment; their favourites, with the open avowal of their enmity. "To the king, the queen, and the princess," said Buckingham, addressing Olivarez, "I shall always prove myself an humble servant; to you never." "I am honoured by the compliment," was the reply of the Castilian*.

- Notwithstanding these oaths and appearances, the projected marriage was already broken off in the determination of Buckingham, probably in that of Charles. From Segovia, Clerk, a dependent of the favourite, returned to Madrid, and, under the pretext of sickness, was received into the house of the earl of Bristol. His unexpected appearance excited surprise †; but he suffered not his real purpose to transpire till, deceived by an ambiguous expression of his host, he persuaded himself that the papal rescript had been received. Immediately he put into the hands of Bristol a letter from the prince, forbidding him to deliver the procuration to the king, till security had been obtained that the infants would not, after the marriage contract, retire into a convent. That there was any ground for such a suspicion we are not told: but the real object of the letter was to prevent that marriage, to which Charles had bound himself by his oath. The mistake of Clerk afforded time to Bristol to defeat the artifice. He demanded an audience of the king, obtained from him
- 29.

* Somers' Tracts, ii. 545. Harl. Papers, i. 439—436. 476. 479. 489. Cabala, 358. Rushworth, 103. Frynne, 49. Clarendon Papers, i. App. xxv.—xxix.

† "He is one of the D. of Buckingham's creatures, yet he lies at the E. of Bristol's house . . . We fear that this Clerk has brought some thing to puzzle the business." Howell's Letters, 148. Hardwicke Papers, i. 481. Lords' Journals, 643. Cabala, 107. 216.

every security that could be wished, and sent by express the unwelcome intelligence to the British court *.

The failure of this expedient suggested a second. James, at the persuasion of Buckingham, commanded Bristol to deliver the procuration at Christmas, "that
 "holy and joyful time best fitting so notable and blessed
 "an action as the marriage." The earl saw that the credulity of his sovereign had been deceived; and informed him by express that the powers conferred by the deed would then have expired; that to present it only when it had ceased to be in force, would be to add insult to bad faith; that the papal approbation was already signed at Rome; and that unless he should receive orders to the contrary, he should deem himself bound by the treaty and by his oath to deliver the proxy at the requisition of the king of Spain. In the course of a fortnight the dispensation arrived at Madrid: Philip appointed the 29th of November for the espousals—the 9th of the next month for the marriage: the Spanish nobility received invitations to attend; a platform covered with tapestry was erected from the palace to the church; and orders for public rejoicings were despatched to the principal towns and cities. It wanted but four days to the appointed time, when three couriers, pressing on the heels of each other, reached Madrid; and from them Bristol received a prohibition to deliver the proxy, an order to prepare for his return to England, and instructions to inform Philip, that James was willing to proceed to the marriage, whenever he should pledge himself under his own hand to take up arms in defence of the Palatine, and fix a day when his mediation should cease and hostilities begin. The feelings of the Spanish monarch were hurt. He replied that such a demand at such a moment was dishonourable both to himself and

* Hardwicke Papers, i. 481. "The countess of Olivarez broke it to the "infanta, who seemed to make herself very merry that any such doubt "should be made: and said she must confess she never in all her life had "any mind to be a nun, and hardly thought she should be one now, only "to avoid the prince of Wales." Clarendon Papers, i. App. xix.

his sister. The treaty had been signed, the oaths taken. Let the king and the prince fulfil their obligations—he would faithfully perform his promises. The preparations for the marriage were immediately countermanded; the infanta resigned with tears her short-lived title of princess of England; and Charles and Buckingham triumphed in the victory which they had obtained over Bristol, and the wound which they had inflicted on the pride of Spain*.

A short time previously to their departure, they had received powers to treat respecting the Palatinate: but Philip had interrupted the discussion by saying that in contemplation of the marriage he would give the king of England a blank paper, and would assent to any conditions which *he* might prescribe. Now when his anger
 Dec. was cooled, he listened to the representations of Bristol,
 26. and though he refused, as indecorous, to declare war against his nephew the emperor, before he received an answer to his mediation, he pledged himself in writing never to cease from the pursuit, till he had procured by arms or negotiation the restitution of the Palatine's hereditary dominions. The ambassadors deemed this assurance satisfactory; but nothing could satisfy men who had already determined to kindle a war between the two crowns.

If Buckingham hated, he also feared, the earl of Bristol. He had seen the representation of his conduct, which that minister, in defiance of the prohibition of Charles, had sent to the king; and was aware that the presence of so able an adversary might shake his authority, and disconcert the plans which he had formed. Bristol received an order to discontinue his services in the Spanish court, but to take his leisure on his way back to England. Philip warned him of the dangers

* Hardw. Papers, 485—490. 411. 422. Clarendon Papers, i. 13. Calala, 3. 100. 107. 263. Prynne, 55—61. Lords' Journals, 643. See the attempt of Charles to justify himself, though the instrument contained a clause disabling him from revoking the procuration. Journals, 223.

which menaced him at home, and offered to make for him the most ample provision, if he chose to remain on the continent: but the earl replied that he would rather lose his head with a clear conscience in England, than live under the imputation of treason a duke of Infantado in Spain. He hastened his return; but on his landing received an order to repair to his house in the country, and to consider himself a prisoner. All his entreaties were fruitless. James, though he wished it, never found the opportunity of hearing him, and the disgraced minister was not suffered either to visit the court, or to take his seat in parliament during the remainder of this reign*.

From a careful review of all the proceedings connected with the Spanish match, it may be fairly inferred, 1°. that, had the treaty been left to the address and perseverance of the earl of Bristol, it would have been brought to the conclusion which James so earnestly desired; 2°. that the Spanish council had ministered ample cause of offence to the young prince by their vexatious delays, and their attempts to take advantage of his presence; 3°. that he, nevertheless, entered spontaneously into solemn engagements, from which he could not afterwards recede without the breach of his word; 4°. and that, in order to vindicate his conduct in the eyes of the English public, he was compelled to employ misrepresentation and falsehood. But the great misfortune was the baneful influence which such proceedings had upon his character. He was taught to intrigue, to dissemble, to deceive. His subjects, soon after he mounted the throne, discovered the insincerity of their prince: they lost all confidence in his professions; and to this distrust may in a great measure be ascribed the civil war which ensued, and the evils which befel both the nation and the sovereign.

* Cabala, 45. 127, 128. Lords' Journals, 586. Buckingham attempted to have him sent to the Tower; but the duke of Richmond and the earl of Pembroke opposed it. Ibid. 587.

James had received the knights errant, so he called them, with congratulations on their safe return, but observed with grief the alteration which had taken place in their political opinions. He shut himself up in solitude at Newmarket, abstained from his favourite amusements of hunting and hawking, and refused to accept the usual compliments of the courtiers on the first and fifth of November. Nothing could persuade him that hostility with Spain would procure the restoration of the Palatinate; and under this impression he proposed to Frederic a new arrangement, that he should make his submission to the emperor; should offer his eldest son, who was to be educated in the English court, in marriage to the daughter of that prince; should receive in quality of tutor or administrator possession of his former dominions, and should be content to leave the dignity of elector to the duke of Bavaria for life, on condition that it should afterwards revert to himself and his heirs. Of the consent of Frederic and Philip the king entertained no doubt: but the Palatine, encouraged by the known sentiments of Charles and his adviser, returned an absolute refusal*.

Dec.
20.

During the holidays at Christmas James required the opinion of his privy council on the two following questions; had the king of Spain acted insincerely in the late treaty, or had he given sufficient provocation to justify a war? To both a negative answer was returned, to the first by all, to the second by a majority, of those present. Buckingham did not conceal his dissatisfaction; to Williams, the lord keeper, and Cranfield, the lord treasurer, he held out menaces of vengeance. It was not that they had distinguished themselves by the violence of their hostility, but he had been accustomed to consider them as his creatures, and had hitherto found them obsequious to his will. They were, however, men who had no other conscience than interest. During his

* Cabala, 192. 266—269.

absence in Spain they began to doubt the permanence of his power, and from that time their fidelity had fluctuated with the contradictory reports of the court. One day they ventured to oppose his views, the next they sought a reconciliation with tears and entreaties*.

The king had cherished the hope of relieving his pecuniary embarrassments from the portion of the Infanta: the failure of this resource compelled him to summon a parliament. In respect of Buckingham it might appear a hazardous experiment; but his late opposition to the match had atoned in the eyes of its adversaries for his temerity in conducting the prince into Spain; and through the agency of Preston, a puritan minister and chaplain to the prince, he had formed a coalition with 1624 his former enemies of the country party. Several private conferences were held between him and the earl of Southampton, the lord Say and Sele, and other leaders of the opposition in both houses; former injuries were reciprocally forgiven; the duke secured impunity to himself by surrendering his faithless dependents to the vengeance of his new friends; and it was agreed that a plentiful supply should be granted to the king, on condition that he put an end to the treaty, and declared war against Philip of Spain†.

The reader must be aware that in ancient times the commons entertained the most humble notions of their duties and abilities. They presumed not to pry with unhallowed gaze into the mysteries of state; and if their

* Hacket, i. 165—169. Cabala, 274. See a whining letter from Williams, excusing his past conduct, and begging the duke to receive his soul in gage and pawn. Feb. 2, 1624. Cabala, 298. It is dated Feb. 2. On the sixth day they were reconciled; on the day before the opening of parliament Williams made his submission to Buckingham. Laud's Diary, 10.

† Ibid. 170. This was in conformity with the advice given to him by Bacon, to seek friends by condescension, to remember that "a good bowler has almost the knee on the ground." Bacon, vi. 363. The calling of parliament was taken as a proof of Buckingham's power. "Now there is an end to saying the match must break or his fortune break: he ran with the stream of the king's ways: now that he goeth cross-ways, he may soon lose his own way." Ibid. 363.

advice was occasionally asked by an indigent monarch, they uniformly replied that such matters were far above their capacity. But time had levelled many of the distinctions which had formerly marked society; with the diffusion of education political knowledge had also been diffused; and, as the commons could no longer be guided by the nod of the sovereign, it became necessary to coax them by flattering their pride, and admitting their importance. It was, however, with reluctance that James submitted to the advice of his son and favourite, and consented to divide with parliament what he deemed the chief prerogative of the crown. But, worn out by their prayers and remonstrances, he allowed them to lay the state of the negociation with Spain before the two houses, that after mature deliberation the lords and commons might give him their united advice.

Feb. He opened the parliament in a more humble tone
19. than he had been accustomed to assume. Remembering former misunderstandings, he had brought with him, he said, an earnest desire to do his duty, and to manifest his love for his people. He had been long engaged in treaties; he had sent his son with the man whom he most trusted into Spain, to discover the true intent of that court; he had received proposals from it since their return; all that had passed should be submitted to their consideration, and he should entreat their good and sound advice, *super totam materiam*. One thing he must not forget. Let them judge him charitably, as they would wish to be judged. In every public and private treaty he had always made a reservation for the cause of religion; sometimes, indeed, he had thought proper to connive at the less rigorous execution of the penal statutes; but to dispense with any, to forbid or alter any that concerned religion, he exclaimed, "I never promised or yielded—I never thought it with my heart, nor spoke it with my mouth*." In conclusion,

* Was he not perjured then, when he swore on the 20th of July, "*quod nulla lex particularis contra catholicos Romanos lata, nec non leges gene-*

he bade them to beware of jealousy, to remember that time was precious, and to avoid all impertinent and irritating inquiries *."

Within a few days a general conference was held between the two houses. Before them Buckingham delivered a long and specious narrative of the proceedings with Spain. The prince (so early was he initiated in the art of deception) stood by him to aid his memory, and to vouch for his accuracy; and the two secretaries attended to read a few garbled extracts from despatches which tended to support his statement †. The only man who could have exposed the fallacy, the earl of Bristol, was by order of the council confined to his house; but the Spanish ambassadors protested against the speech of the duke, as injurious to their sovereign, and asserted that, had one of their countrymen spoken in the same manner of the king of England in Spain, he would have paid with his head the forfeit of his insolence. The two houses, however, defended the conduct of Buckingham; declared that his words regarded the acts of the Spanish ministers, not of the king; and, in an address to the throne, pronounced their opinion that neither the treaty for the marriage, nor that for the restoration of the Palatinate, could be continued with honour or safety ‡.

James shuddered at the prospect which opened before him, but had not the spirit to oppose the precipitate counsels of his son and his favourite. After some faint and ineffectual struggles he submitted to his fate, and suffered himself to be borne along with the current. In

rales sub quibus omnes ex æquo comprehenduntur, modo ejusmodi sint, quæ religioni Romanæ repugnant, ullo unquam tempore, ullo omnino modo aut casu, directe vel indirecte, quoad dictos catholicos Romanos executioni mandabitur?" *Prynne*, 44. *Hard. papers*, i. 428. 430.

* *Lords' Journals*, 209.

† His highness the prince, says the lord keeper, upon very deep reasons, doubts whether it be safe to put all upon the parliament, for fear they should fall to examine particular despatches, wherein they cannot but find many contradictions. He wishes to draw on a breach with Spain with(out) ripping up of private despatches. *Cabala*, 299. The despatches in the *Hardwicke papers* show the prudence of this counsel.

‡ *Lords' Journals*, 220—247.

Mar answer to the address he observed that there were two points for consideration,—one, whether he could with honour and conscience engage in war, and that regarded himself exclusively; the other, whether he possessed the means of prosecuting it with vigour, which depended upon them. His debts were enormous, his exchequer was empty, his allies were impoverished, and the repairs of the navy, the charge of the army, and the defence of Ireland, would each require considerable sums. However, if they were to vote a grant of money, he promised that it should be placed under the control of commissioners appointed by themselves, and that no end should be put to the war till he had previously taken their advice: concessions, the reader will observe, by which, for that time at least, he transferred to the houses of parliament two branches of the executive authority*.

12. This speech called forth a second address, in which both lords and commons offered, in general terms, to support him with their persons and fortunes. To present it was the lot of the archbishop of Canterbury,—a welcome task to one who, but six months before, had, with a trembling hand and heavy heart, sworn to the religious articles of the Spanish treaty. But, when he
17. congratulated James on “his having become sensible of the insincerity of the Spaniards,—“Hold,” exclaimed the monarch, “you insinuate what I have never spoken. “Give me leave to tell you, that I have not expressed myself to be either sensible or insensible of their good or bad dealing. Buckingham hath made you a relation on which you are to judge; but I never yet declared my mind upon it†.

The king, in conclusion, required a present aid of 700,000*l.* to begin the war, and an annual supply of

* Lords' Journals, 250.

† Ibid. 259, 261, 265. But had he not previously complained of the insincerity of the Spanish court? (Vaughan, Stuart dyn. 247.) Certainly not in the speech to which the address was an answer. It was expressive of confidence rather than distrust.

150,000*l.* towards the liquidation of his debts. The amount shook the resolution of the commons, but the prince and the duke assured them that a smaller sum would be accepted, and they voted 300,000*l.*, to be raised within the course of twelve months. This vote was coupled with another address in vindication of Buckingham, against the complaints of the Spanish ambassadors, and was followed by a royal proclamation announcing that both the treaties with Spain were at an end *.

The proceedings after the Easter recess may be arranged under three heads.—1°. A joint petition was presented to the king, praying him to enforce the penal statutes against catholic priests and recusants †. James once more called God to witness that he never intended to dispense with those laws, and promised that he would never permit, in any treaty whatsoever, the insertion of any clause importing indulgence or toleration to the catholics‡. A proclamation was issued, commanding all missionaries to leave the kingdom against a certain day, under the penalty of death. The judges and magistrates received orders to put in execution the laws as in former times: the lord mayor was admonished to arrest all persons coming from mass in the houses of the foreign ambassadors; and James asked the advice of the bishops and his council respecting the most eligible means of educating the children of catholics in the reformed doctrines §. But the commons were not satisfied

* Ibid. 275. 278. 282. Journals of Commons, 770. The earl of Rutland, to the general surprise, voted against the grant of money for the war. Compare Laud's Diary, March 22, with the Journals, 273.

† The constitutional reader should be told, that the commons had resolved to petition the king for a proclamation, ordering the due execution of the laws against recusants: but the lords objected to it, "lest posterity should hereafter deem that the execution of the laws were slackened by a proclamation." Journals, 297. The petition proposed by the commons was in the language of James "a stinging one;" but he had sufficient influence with the lords to procure the substitution of another more moderate. See Rushworth, I. 140.

‡ On this occasion Charles also professed, and bound himself with an oath, "that whensoever it should please God to bestow upon him any lady that were popish, she should have no further liberty but for her own family, and no advantage to the recusants at home." Journals of Commons, 756.

§ Lords' Journals, 317.

Every member was called upon to state the names of all persons holding office in his county, and known or suspected to be catholics. The list, after several erasures and alterations, received the approbation of the house, and a petition for the immediate removal of these persons from their situations was unanimously voted. But the lords, when it was sent up to them, returned for answer, that it was the custom of their house to receive evidence upon oath, and to hear the parties accused: that to concur in the petition, would be to judge and condemn without sufficient proof; and therefore it was thought better that the prince should communicate it privately to the king, as a matter of state which deserved his most serious attention. In this they acquiesced; the petition was read to James and then forgotten*.

2^o. The commons revived their committee of grievances, and all persons holding patents from the crown received orders to send them in for inspection. After a long and tedious scrutiny, some were returned as innocuous, several were pronounced illegal, and the remainder was reserved for examination in the subsequent session. When they presented their grievances, eleven in number, to the king, he begged in return to present his grievances to them:—They had encroached on his ecclesiastical authority, they had condemned patents of undoubted utility, and in all their inquiries they had suffered themselves to be directed by the lawyers, who, he would say it to their faces, of all the people in the kingdom, were the greatest grievance to his subjects; for where the case was good to neither of the litigants, they took care that it should prove beneficial to themselves†.

* Lords' Journals, 397. Journals of Commons, 754. 776. 788. 792. This list was divided into two parts: the first contained the names "of popish recusants or non-communicants, that had given overt suspicion of their ill affection in religion, or that were reported or suspected to be so;" it contained 33 names: the other of those "that had wives, children, or servants, that were recusants or non-communicants, or suspected or reported to be so." The names were thirty-six. See them in the Journals, 394.

† Cobbett's Parl. Hist. i. 1503.

3°. The leaders of the country party hastened to avail themselves of their compromise with Buckingham, and began with the prosecution of Cranfield, earl of Middlesex, lord treasurer and master of the court of wards. The reader will recollect that the treasurer was one of the two whom the favourite had threatened with his vengeance. James wished, but had not the courage, to save him. He admonished Buckingham to beware how he put into the hands of the commons a weapon which they might one day wield against himself*; he wrote to the lower house that the earl of Middlesex, instead of advising, as they supposed, the dissolution of the last parliament, had on his knees begged for its continuance†; and he reminded the lords that the treasurer held an office, in which he could not be faithful to his prince without creating enemies to himself; that in many things he had no will of his own, but was merely the minister of the royal pleasure; and that amidst a multiplicity of business it was very possible for the most upright mind to commit error, through want of information or fallibility of judgment. But the influence of Buckingham was irresistible. Petitions were presented April 16. against Middlesex, and the commons impeached him before the lords of bribery, oppression, and neglect of duty. On his trial he maintained his innocence, repelled the charges with spirit, and loudly complained of the inequality between his prosecutors and himself. They had been allowed three weeks to prepare the charge, he but three days to prepare his defence: they relieved each other in turn: he was compelled, day after day, to stand for eight hours at the bar till his strength was totally exhausted: they had the aid of the most experienced lawyers; he was left to himself without the benefit of counsel. By many he was believed

* "The king told the duke that he was a fool, and was making a roa nor his own breech, and the prince that he would live to have his belly full of impeachments." Clarendon, i. 23.

† Journals of Commons, 768.

- May innocent: the lords acquitted him on two, but pronounced him guilty on four of the charges, and he was condemned to pay a fine of 50,000*l.*, to be imprisoned during pleasure, and to be for ever excluded from parliament and from the verge of the court. However, his complaint of hardship, though useless to himself, proved serviceable to others. The lords, aware that they might
28. hereafter stand in his place, ordered, that in all subsequent impeachments, the accused should be furnished with copies of the depositions in his favour and against him, and that, at his demand, he should be allowed the aid of counsel learned in the law*.

The other great officer who had been threatened, was the bishop of Lincoln, lord keeper; but the petitions against him were suffered to lie dormant till the end of the session, when the committee reported to the house, that of those which had been examined, some were groundless, and the others furnished no matter for a criminal charge. He owed, however, his safety to his own prudence and humility. Of a less unbending disposition than Cranfield, he was no sooner aware of the danger, than he sought a reconciliation with the duke, solicited the intercession of the prince, made his submission in person, and received this cold yet consolatory answer, "I will not seek your ruin, though I shall cease "to study your fortune." This was at the commencement of parliament: during its continuance chance threw in his way the opportunity of doing a service to Buckingham, which called for the gratitude, though it did not restore the affection of the offended patron†.

* Lords' Journals, 307—383. 418. The king had ordered sir Richard Weston to present to him any petition from the earl. On the 29th of May that nobleman gave Weston a petition for his enlargement: but he dared not present it till he had received instructions from Buckingham. See his letter in Cabala, 403. He next solicited the remission of the fine; it was lowered to 30,000*l.* So small a reduction surprised him (*ibid.* 404). He paid, however, 20,000*l.*, and the rest was forgiven. *Dépêches de d'Effiat apud Carte*, 132.

† I may here add that in this parliament an act was passed lowering the rate of interest from ten to eight per cent., but with a proviso that "it "should not be construed to allow the practice of usury in point of religion "or conscience." Stat. iv. 1223.

For three months the Spanish ambassadors, the marquess Ynoiosa and Don Carlos Coloma, had sought a private audience of the king, but were never permitted to see him unless in the company of the prince and Buckingham. At length Coloma contrived to withdraw Apr. their attention, while Ynoiosa placed a note in the hands 21. of James, who immediately secreted it in his pocket. The consequence was, that the same evening the earl of Kelly clandestinely conducted to the royal apartment Carendolet, the secretary of the legation, who stated to the king in the name of the ambassadors, that he was a prisoner in his own palace, surrounded by spies and informers; that none of his servants dared to execute his commands, or to give him their advice without the previous approbation of Buckingham; and that the kingdom was no longer governed by its sovereign, but by a man who, to gratify his own revenge, sought to draw his benefactor into an unjust and impolitic war. The king promised secrecy, but it happened that at this very time the bishop of Lincoln kept in his pay the mistress of Carendolet; from whom he heard of the furtive interview between her lover and James, and immediately transmitted the information to the prince*.

Three evenings later Carendolet waited a second time 24. on the king with a written statement, that Buckingham concerted all his proceedings with the earls of Oxford and Southampton, and those members of the commons who had been punished for their insolence at the conclusion of the last parliament; that for this purpose he was in the habit of meeting them at suppers and ordinaries where he revealed to them the secrets of state, the king's private oath, and the important negotiation re-

* Buckingham thus expresses his discontent to James: "In obedience to your commands, I will tell the house of parliament, that you have taken such a fierce rheum and cough, as not knowing how you will be this night, you are not yet able to appoint them a day of hearing; but I will forbear to tell them that, notwithstanding of your cold, you were able to speak with the king of Spain's instruments, though not with your own subjects." Hardwicke Papers, i. 460. The hearing to which he alludes was granted the next day, the 23d. Lords' Journals, 317.

specting Holland *; that it had been their joint determination, if James should oppose their designs, to confine him in a house in the country, and to conduct the government under the name of the prince as regent; and that the duke, with the hope of drawing the succession to the crown into his own family, proposed to marry his daughter to the eldest son of the Palatine, whose wife was next heir after Charles. James frequently interrupted him with broken sentences. There was, he owned, something suspicious in the conduct of the duke; yet no one had hitherto brought any charge against that nobleman, nor could he believe that either his son or his favourite sought to do him harm, or had sufficient power to resist his authority. His son, he said, had been formerly attached to Spain, but was now "strangely carried away by rash and youthful conceits, following the humour of Buckingham, who had he knew not how many devils in him since his return." The communication, however, made a deep impression on his mind. In the morning he appeared pensive and melancholy; though he took Charles with him in his carriage, he refused to admit the duke, and soon afterwards bursting into tears, he lamented that in his old age he was deserted by those on whom he had fixed his fondest affections†.

By whose agency these feelings had been excited in the king was sufficiently known; but to unravel the

* It is plain that in contemplation of the Spanish match, James had made to Philip, through Buckingham, a proposal respecting Holland, which he was most anxious to conceal from the public. *Hard. Papers*, i. 405. 428.

† See Cabala, 276. Buckingham told the archbishop of Embrun, that the proposal of marriage came from the Palatine, and that the king was not averse. He saw that Boukinkan y penchoit fort. *Relation d'Embrun*, 364. It was to this offer that the Spaniards attributed Buckingham's determination to break off the match between Charles and the infanta. "On the same day he received letters from the most illustrious princesse Palatine, he caused the procuratorie to be revoked; and a few days after, on the coming of the aforesayd princesse's secretary, and the confirmation of his hope of having his daughter married to her highness's sonne, all things were utterly dashed to pieces." *Archæol.* xvii. 232. Cabala, 275.

plot, to discover the particulars of the intrigue, was reserved for the policy of Williams, "who felt himself panged like a woman in travail, till he should know the truth." To procure an interview with Carendolet, he ordered the arrest of a catholic priest, the intimate acquaintance of the Spaniard, who immediately came to intercede for his friend, and looking on the lord keeper as one whose safety depended on the ruin of Buckingham, solicited his aid in support of the project. At such a moment it was not difficult for Williams to worm the whole secret out of Carendolet. He trans-^{27.}mitted the information to the prince, gave it as his advice, that he or the duke should never lose sight of the king, and added a written memorial in which he had carefully answered each of the charges advanced by the Spaniards.

The perusal of this paper, aided as it was by the remarks of Charles, shook, though it did not entirely remove, the suspicions of James. The next Sunday he May entered the council chamber with a bible in his hand, 2. swore all present to speak the truth, and commanded them to answer certain questions which he had prepared relative to the supposed designs of the duke *. They all assumed an air of surprise, and pleaded ignorance. Buckingham complained of the insult offered to his loyalty: but such was the agitation of his mind, that he fell, or pretended to fall, into a fever, and was confined a fortnight to his chamber. The king pitied him, required the ambassadors to produce the names of their informers, and took their refusal for a complete justification of his favourite. Ynoiosa, however, assumed a bolder tone, he demanded an audience of the king; and, when he was told that he must explain his mind to the ministers, asked for a ship to leave the kingdom. James was anxious to see him, but Charles

* On this subject Charles wrote to Buckingham, advising him to acquiesce in the king's design of interrogating the counsellors upon oath. Hardwicke papers, 456.

June and Buckingham objected: he departed without the
 18. usual presents, and on his arrival in Spain, found that
 Aug. an accusation had already been lodged against him by
 5. the English ambassador*. In his justification he maintained, that Carendolet had advanced nothing by his orders but what was true; that no credit ought to be given to those counsellors who pretended ignorance, because they were accomplices; and that he could mention several officers about the court both able and willing to prove the guilt of Buckingham, were they not silenced by the fear of his vengeance and the pusillanimity of the king. By the influence of his cousin Olivarez, he was restored, after a restraint of a few days, to the favour of his sovereign†.

The visible reluctance with which James had assented to the proceedings in the two houses, provoked a general suspicion that the duke held his power by a very precarious tenure‡. Secure, however, of the support of the prince, and confiding in their united influence over the easy mind of the king, he despised the intrigues, and laughed at the predictions of his enemies. One of his chief objects, after the rising of parliament, was to provide for the recovery of the Palatinate. Ambassadors hastened from England to one half of the courts in Europe, and arguments, promises, and presents were employed to raise up enemies against the house of Austria. 1°. The long truce between Spain and the states had expired: war was already kindled in the Netherlands; and Buckingham seized the opportunity to conclude a defensive, but not offensive league, between the king of Great Britain and the seven united provinces. It was stipulated that in the case of foreign invasion, each of the contracting parties should be bound

* "So as to the great joy and exultation of all the coblers and other bigots and zealous brethren of this town, he this day comes to Ely house. "and to-morrow to Dover." *Strafford papers*, fol. edition, i. 21.

† For this singular transaction, compare *Hacket's Narrative*, i. 195-197, with the letters in the *Cabala*, 13. 300. 343. and the despatches of Velazquez, the Venetian ambassador, quoted by Carte, iv. 117.

‡ *Strafford papers*, i. 20.

to aid the other, the king with an army of six, the states with one of 4000 men; and that, at the conclusion of the war, the expenses of the auxiliary force should be defrayed by that power which had enjoyed the benefit of its services. The news had just arrived of the massacre of the English factory at Amboyna, and the nation resounded with complaints against the avarice and the inhumanity of the Dutch; but, on the other hand, the Spaniards had already formed the siege of Breda, and Charles and Buckingham longed to engage in hostilities with Spain. The cry of vengeance was June therefore suppressed, the treaty signed, and the aid of 5. 6000 men immediately furnished*.

2°. To the kings of Sweden and Denmark, and the protestant powers in Germany, the English envoys submitted the plan of a crusade for the depression of the catholic power in the empire. They made a strong* appeal to the religion and the interest of these princes: and there were few who refused, on the promise of a liberal subsidy, to subscribe to the holy alliance. 3°. Though the catholic states of France, Venice, and Savoy deemed it dishonourable to enter publicly into a protestant league against the professors of the same faith with themselves, their enmity to the house of Austria led them to contribute towards its success; and they privately engaged to distract, by the demonstration of hostilities, the attention of Spain, to furnish money towards the support of the army of the Palatine, and to allow auxiliary forces to be levied in their own dominions. 4°. Count Mansfield, the celebrated adventurer, and chief prop of Frederic's declining fortune, came to England. Towards the payment of his army, 10. he obtained a promise of 20,000*l.* per month; and as a

* Clarendon papers, i. 21—25. Dumont, 458. The king of France aided them at the same time with money, 1,200,000 livres for the first, one million for the second, and the same sum for the third year, to be repaid in equal portions between the third and ninth year after the peace. Louis asked in return, that his subjects in Holland should have the free exercise of their religion. It was granted only within the house of his ambassador, and on the condition that no natives were present. Ibid. 463.

reinforcement to his French and German mercenaries, 12,000 Englishmen were pressed into the service, and placed under his command. From Dover, where their excesses could be checked only by summary executions, these recruits sailed to Calais, and thence to the island of Zeeland. But the crowded state of the transports, the inclemency of the season, and the want of provisions and accommodations on shore, generated a contagious disease, which carried off 5000 men in the course of a few weeks; and Mansfield, though he continued to advance in defiance of every obstacle, found his army, when he reached the Rhine, so weakened by sickness and the casualties of his march, that he was compelled to remain on the defensive*.

Of these warlike preparations the king had remained a silent and reluctant spectator: but he took a more lively interest in the new treaty of marriage, which had been set on foot to console him for the failure of that with Spain. When in the preceding year Charles and Buckingham passed through France, they had stopped a day in Paris, and had been admitted in quality of strangers to the French court, where they saw the princess Henrietta Maria at a ball. She was the youngest daughter of the last king, in her fourteenth year, dark of complexion and short of stature, but distinguished by the beauty of her features, and the elegance of her shape†. At that time she seems to have made no impression on the heart of the prince:

* Secretary Conway says, that the 12,000 were to be levied by "press." Hard. papers, I. 533. What is extraordinary, at the same time that these 12,000, and the other 6000 men, were raised in England to be employed against Spain and Austria, 1500 men were also raised by the lord Vaux to be employed in the service of the archduchess, and consequently in their favour.

† See two descriptions of the princess by lord Kensington, Cabala, 312. Ellis, iii. 177. and Howell's Letters, 190. Sir Simon d'Ewes had the curiosity to go to Whitehall to see her at dinner after her marriage. He thought her "a most absolute delicate creature. Besides her deportment" amongst her women was so sweet and humble, and her speech and "lookes to her other servants so mild and gracious, as I could not abstaine" from divers deepe fetched sighs, to consider that she wanted the know-ledge of the true religion." Apud Hearne, Chron. Dunst. xiv.

but afterwards, in proportion as his affections were estranged from the infanta, his thoughts reverted to Henrietta; and after his return to England, the lord Kensington was despatched at his request to her brother's court. He appeared there without any official character; but the object of his visit was understood, and he received from the queen mother assurance of a favourable result. As soon as James had dissolved the treaty with Spain*, the earl of Carlisle joined Kensington; both took the title of ambassadors; and the proposal of marriage was formally made. The pope, Urban VIII., Mar. and Philip of Spain made several attempts to dissuade Louis from giving his consent; but that monarch yielded to the influence and the reasoning of his mother, who represented it as a measure likely to prove most beneficial to France. Commissioners were appointed, who, aware that the English king had fixed his heart on the match, and that the power of Buckingham depended on the success of the treaty, gradually rose in their demands. It was agreed that the parties should be married in France after the same manner in which Henry IV. had been married to Marguerite de Valois; that on the arrival of the princess in England, the contract should be publicly ratified without any religious ceremony; that she and her servants should be allowed the free exercise of their religion as fully as had been stipulated for the infanta; that the children should remain under her care till they were thirteen years old; that her portion should be 800,000 crowns; and that she should renounce for herself and her descendants all right of succession to the crown of France. But, in addition, the cardinal Richelieu observed that it would be an affront to his sovereign, if less were conceded in favour of a French, than had been granted to a Spanish princess; and on that ground he required that every

* Cabala, 311—319. Philip to the annunciation of this measure, replied, that he considered the treaty of marriage as still in force in consequence of a private agreement between the prince and himself.

indulgence promised to the English catholics by the treaty of Madrid, should be secured by the treaty pending at Paris. This unexpected demand, after the orders so recently given to the judges, the oath taken by the prince, and the promise made to parliament by James, offered an almost insuperable difficulty. The Nov. negotiation was at a stand; different expedients were 8. suggested, and refused; at last the French cabinet acquiesced, or seemed to acquiesce, in the following compromise, that the king of England, in a secret engagement, signed by himself, his son, and a secretary of state, should promise to grant to his catholic subjects greater freedom of religion than they could have claimed in virtue of the Spanish match, without molestation in their persons, or property, or conscience*.

12. After this agreement both James and Louis signed the treaty. They had even ratified it with their oaths, when the French ministers raised an unexpected objection. The secret promise, they said, was conceived in general terms; it bound the king to no specific measure of relief; it left him at liberty to enlarge or restrict the indulgence at his pleasure. By the ambassadors at Paris this complaint was viewed as an attempt to reopen a negotiation which had been definitively closed. They expressed, in forcible terms, their surprise and indignation; they advised Buckingham to resist with spirit; they even ventured to foretell that the French court would recede from its pretensions, rather than forfeit the benefit of the marriage. But this to the king and his son appeared a hazardous experiment: they knew that the Spaniards were endeavouring to seduce, by the most tempting offers, the fidelity of Louis; and they shrunk from the disgrace of a second and more

* Hardwicke papers, i. 523—547. Clarendon pap. ii. App. ii. Lord Nithisdale, a catholic, was employed to aid the French Ambassador in Rome, who solicited the papal dispensation. See a letter from him to Buckingham in Cabala, 382, and another from Buckingham to him in Ellis, iii. 179.

vexatious failure. Under such apprehensions, it was deemed best to submit to the imposition, and in the place of the former engagement were substituted the three following articles: that all catholics, imprisoned for religion since the rising of parliament, should be discharged; that all fines levied on recusants since that period should be repaid; and that for the future they should suffer no molestation on account of the private and peaceable exercise of their worship*.

Thus had the king, after nine years of embassies and 1625 negotiations, apparently surmounted every obstacle to the marriage of his son with a princess of equal birth, and powerful kindred. The duke of Chevreuse had been appointed by Charles his proxy, and the duke of Buckingham had received orders to conduct the royal bride to England, when, to the surprise and vexation of both parties, the nuncio, Spada, by order of Urban, refused to deliver the papal dispensation without some better security for the performance of the three promises in favour of the English catholics. The French ministers offered to substitute a dispensation by the ecclesiastical authorities in France: but the offer was refused by James, on the ground that in that case the validity of the marriage might afterwards be disputed; and the pontiff was at last satisfied with an oath taken by Louis, Mar. by which he bound himself and his successors to employ 21 the whole power of France in compelling, should it be necessary, James and his son to fulfil their engagements†. The dispensation was now delivered: but the English king lived not to witness the celebration of the marriage. His indisposition was at first considered a tertian ague, afterwards the gout in the stomach; but, whatever was its real nature, under his obstinacy in refusing medicine, and the hesitation or ignorance of his physicians, it proved fatal. On the eleventh day he received the sacrament in the presence of his son, his favourite,

* Ibid. 547—561. Cabala, 390. Prynne, 72. Rushworth, i. 173.

† MS. despatches del Nunzio Spada. Clarendon Papers, ii. App. xxi.

and his attendants, with a serenity of mind and fervour of devotion which drew tears from the eyes of the beholders*. Early on the fourteenth he sent for Charles: but before the prince could reach the chamber, the king had lost the faculty of speech, and in the course of a few hours expired, in the fifty-ninth year of his age, and the twenty-third of his reign. Of his seven children, three sons and four daughters, two only survived him; Charles, his successor on the throne, and Elizabeth, the titular queen of Bohemia †.

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James, though an able man, was a weak monarch. His quickness of apprehension and soundness of judgment were marred by his credulity and partialities, his childish fears, and habit of vacillation. Eminently qualified to advise as a counsellor, he wanted the spirit and resolution to act as a sovereign. His discourse teemed with maxims of political wisdom, his conduct frequently bore the impress of political imbecility. If, in the language of his flatterers, he was the British Solomon, in the opinion of less interested observers he merited the appellation given to him by the duke of Sully, that of "the wisest fool in Europe ‡."

* "Being told that men in holy orders in the church of England doe challenge a power as inherent in their function and not in their person, to pronounce and declare remission of sins to such as being penitent doe call for the same; he answered suddenly, I have ever beleevved there was that power in you that be in orders in the church of England, and therefore I, a miserable sinner, doe humbly desire Almighty God to absolve me of my sinnes, and you, that are his servant in that high place, to afford me this heavenly comfort. And after the absolution read and pronounced hee received the sacrament with that zeale and devotion, as if hee had not been a fraile man, but a cherubin cloathed with flesh and blood." His funeral sermon by Williams, Somers' Tracts, ii. 51. Edit. 1809.
† Hardwicke Papers, i. 562-566. Howell, 173. Land's Diary, 15. The prayers read to James at his death by the bishop of Lincoln, are in Hearne's Titus Livius, 221-224.

‡ "He was of a middle stature, more corpulent throghe his clothes than in his bodey, yett fatt enough: his clothes euer being made large and easie, the doublets quilted for steletto prooffe, his breeches in grate plette, and full stuffed. He was naturally of a timorous dispositione, which was the gratest reasone of his quilted doublets. His eyes large, euer roulling after any stranger cam in his presence, in so much as maney for shame have left the roome, as being out of countenance. His beard was werrey thin; his tounge too large for his mouth, and made him drinke werrey vncomlie, as if eating his drinke, wich cam out into the cupe if each syde of his mouth. His skin was als softe as

It was his misfortune, at the moment when he took into his hands the reins of government in Scotland, to fall into the possession of worthless and profligate favourites, who, by gratifying his inclinations, sought to perpetuate their own influence: and it is to that love of ease and indulgence which he then acquired, that we ought to attribute the various anomalies in his character. To this we see him continually sacrificing his duties and his interests, seeking in his earlier years to shun by every expedient the tedium of public business, and shifting at a later period the burthen of government from himself to the shoulders of his favourites. It taught him to practise, in pursuit of his ends, duplicity and cunning, to break his word with as much facility as he gave it, to swear and forswear as best suited his convenience. It plunged him into debt that he might spare himself the pain of refusing importunate suitors, and induced him to sanction measures which he condemned, that he might escape from the contradiction of his son and his favourite. To forget his cares in the hurry of the chase, or the exercise of the golf, in carousing at table, or laughing at the buffoonery and indecencies practised by those around him, seems to have constituted the chief pleasure of his life*.

In temper James was hasty and variable, easily provoked, and easily appeased. During his passion he would scream, and curse, and indulge in blasphemous

"tafta sarinet, wich felt so because he neuer washt his hands, onlie
"rubbi'd his fingers ends slightly vith the vett end of a napkin. His legs
"wer verrey weake, hauing had (as was thought) some soule playe in his
"youth, or rather before he was borne, that he was not able to stand at
"seuin zeires of age; that weaknes made him euer leaning on other men's
"shoulders." Balfour, II. 108.

* "He loved such representations and disguises in their maskaradoes
"as were witty and sudden: the more ridiculous the more pleasant." Wilson, 104. Of the nature of these sports the reader may judge from the following instance. A sucking pig, an animal which the king held in the utmost abhorrence, was swathed as an infant about to be christened: the countess of Buckingham, disguised as the midwife, brought it wrapped up in a rich mantle; the duke attended as godfather, Turpin, in lawn sleeves, as minister; another brought a silver ewer with water; but just as the service commenced, the pretended child betrayed itself by its cry; and the king turned aside, exclaiming, "Away, for shame." Wilson, 218.

or indelicate allusions : when his passion was cooled, he would forgive, or sue to be forgiven *. Though he was no admirer of female beauty, he is charged with encouraging the immoralities of Somerset and Buckingham ; and the caresses which he heaped on his favourites, joined to the indelicacy of his familiar correspondence, have induced some writers to hint a suspicion of more degrading habits. But so odious a charge requires more substantial proof than an obscure allusion in a petition, or the dark insinuation of a malicious libel, or the reports which reached a foreign and discontented ambassador †.

From his preceptor, Buchanan, James had imbibed the maxim that "a sovereign ought to be the "most learned clerk in his dominions." Of his intellectual acquirements he has left numerous specimens in his works : but his literary pride and self-sufficiency, his habit of interrogating others, that he might discover the extent of their reading, and the ostentatious display which he continually made of his own learning, though they won the flattery of his attendants and courtiers, provoked the contempt and derision of real scholars. Theology he considered as the first of sciences on account of its object, and of the highest importance to himself in quality of head of the church and defender of the faith. But though he was always orthodox, his belief was not exempt from change. For many years

* James demanded of Gibb some papers which had been delivered to his care. Gibb, on his knees, protested that he had never seen them. The king cursed, and even kicked him ; and the indignant page left the court. It was then discovered that the papers had been entrusted to another ; and James instantly sent to recall Gibb, and, falling on his knees, asked his pardon. Wilson, 219.

† See the note in Scott's edition of Somers' Tracts, ii. 493. That, for the amusement of the king, decency was shamefully outraged in the orgies at Buckingham house, cannot be doubted—it is confirmed by the conduct of the favourite at Madrid in presence of the prince (Cabala, 376.)—But we may be allowed to hope that the picture in the despatches of Tilliers has been too highly coloured by the prejudices of the ambassador, or of his informant. (Raumer, ii. 259. 266. 369. 274. 376.) The king's partiality for Spain, and the Spanish match, was a constant source of vexation to that minister, and prompted him to exaggerate and misrepresent.

his opinions retained a deep tinge of calvinism; this was imperceptibly cleared away by the conversation of Laud and Montague, and other high churchmen; and before the close of his reign he had adopted the milder, but contrary, doctrines of Arminius. To the last he employed himself in theological pursuits: and to revise works of religious institution, to give directions to preachers, and to confute the heresies of foreign divines, were objects which occupied the attention, and divided the cares of the sovereign of three kingdoms*.

Besides divinity there was another science with which he was equally conversant, that of demonology. With great parade of learning, he demonstrated the existence of witches and the mischiefs of witchcraft, against the objections of Scot and Wierus; he even discovered a satisfactory solution of that obscure but interesting question, "Why the devil did worke more with auncient women than others." But ancient women had no reason to congratulate themselves on the sagacity of their sovereign. Witchcraft, at his solicitation, was made a capital offence, and from the commencement of his reign there scarcely passed a year in which some aged female or other was not condemned to expiate on the gallows her imaginary communications with the evil spirit.

Had the lot of James been cast in private life, he might have been a respectable country gentleman: the elevation of the throne exposed his foibles to the gaze of the public, and that at a time when the growing spirit

* In the autumn of 1624, the archbishop of Embrun came to England by order of the king of France, and had several conferences with James and Buckingham respecting the treaty of marriage. In one of these, the king assured the prelate that he had nothing more at heart than to establish liberty of conscience in his dominions, and that for this purpose he had devised a meeting of English and foreign (probably French) divines to be holden at Dover or Boulogne, who should issue a declaration on which so important a concession might be founded. I think this is all that can be fairly concluded from the words of the king, as related by the archbishop, though he certainly inferred from them, that James wished to effect a reunion between the two churches, and to hold this theological assembly as a preparatory measure. See Relation de M. L'Arch. d'Embrun, subjoined to Degeant's Memoirs, 337—377.

of freedom, and the more general diffusion of knowledge had rendered men less willing to admit the pretensions, and more eager to censure the defects, of their superiors. With all his learning and eloquence, he failed to acquire the love or the esteem of his subjects; and though he deserved not the reproaches cast on his memory by the revolutionary writers of the next and succeeding reigns, posterity has agreed to consider him as a weak and prodigal king, and a vain and loquacious pedant.

CHAPTER IV.

CHARLES I.

CONTEMPORARY PRINCES.

<i>Emperors.</i>	<i>Kings of France.</i>	<i>King of Spain.</i>	<i>Popes.</i>
Ferdinand II. 1637.	Louis XIII. 1643.	Philip IV.	Urban VIII. 1644.
Ferdinand III.	Louis XIV.		Innocent X.

The King's Marriage—His first Parliament—Unsuccessful Expedition against Cadiz—Second Parliament—Impeachments of Bristol and Buckingham—War with France—Disgraceful Expedition to the Isle of Rhé—Third Parliament—Petition of Right—Assassination of Buckingham—Ministers—Laud, Bishop of London—Expedients to raise money—Peace with France and Spain—Proceedings in favour of the Palatine.

CHARLES was in his twenty-fifth year when he ascended 1625. the throne. His accession caused no material alteration among the members of the council, or in the policy of the government. The world had seldom seen the same individual monopolize the favour of two succeeding monarchs; but Buckingham possessed the confidence of the son as firmly as he had enjoyed that of the father. The death of James was even in his favour. The old king had begun to feel uneasy under his control: but Charles listened to his counsels with the credulity, and clung to his interests with the obstinacy, of youth.

The first question which claimed the attention of the new monarch was the match with France; and on the third day after the decease of his father he ratified as

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- king the treaty to which he had formerly subscribed as prince. The duke of Chevreuse, his kinsman of the house of Guise, was a second time appointed to act as his proxy: the cardinal of Roche-foucault performed the marriage ceremony on a platform erected before the great door of the cathedral of Paris *; and the duke of Buckingham hastened to that capital with a numerous retinue to bring home the royal bride. Seven days were spent in rejoicings for an event which was supposed to have cemented an eternal union between the two crowns. After some delay, occasioned by the illness of Louis, the queens, Mary of Medici and Anne of Austria, accompanied Henrietta from her brother's court †. At Dover she was received by Charles, at the head of the English nobility; the contract of marriage was publicly renewed in the great hall in Canterbury; and the royal couple repaired to Whitehall, and thence to the palace of Hampton court ‡. Their solemn entry into the metropolis was prevented by the ravages of a contagious malady, the most destructive, so it was asserted, in the memory of man §.

- Charles had little leisure to attend to the entertainment of his young queen. The day after their arrival he met his first parliament, and submitted the state of

* See the French account of the ceremony in Somers' Tracts, iv. 96, and in Bailour, ii. 119—125.

† The queen-mother had intended to accompany her daughter to England. Her health not permitting it, she wrote to Charles from Amiens as follows: "J'estime ma fille heureuse, puis qu'elle sera le lien et le ciment pour l'union de ces deux couronnes, et je l'estime doublement heureuse, non seulement pour ce qu'elle espouse un grand roi, mais une personne come la votre. Je vous la recommande comme la creature du monde qui m'est aussi chere, et prie Dieu de tout mon cœur qu'il vous benisse tous deux." Rymer, xviii. 116.

‡ As both catholics and protestants considered marriage a religious rite, the former would have been shocked if Henrietta had received it from a protestant, the latter if Charles had received it from a catholic minister. The reader will observe that by the arrangement adopted both inconveniences were avoided.

§ In Mead's letter to Stuteville, the weekly deaths in London increase in an alarming manner, from 640 to 942, 1222, 2383, July 30. Ellis, iii. 203. 205. 207. 209. The number of deaths in London and Westminster during the year was 63,001, of which 41,313 of the plague.

his finances to its consideration. The supply granted to his father had not covered the moiety of those charges for which it had been voted : James had bequeathed to his successor personal debts amounting to 700,000*l.* ; and the accession and marriage of the new king had involved him in extraordinary, though necessary, expenses. It was, however, with cheerfulness and confidence that he threw himself on the bounty of his subjects. To him those objections did not apply which had always been opposed to the pecuniary demands of the late monarch. It could not be said of him that he had wantonly plunged himself into debt, or that he had squandered among his minions the revenues of the crown, or that he had awakened the jealousy of the people by preaching up the claims of the prerogative. The money which he solicited was required to carry into execution the vote of the last parliament ; those who had advised the war could not reasonably refuse the funds, without which it was impossible a war should be maintained.

There was, however, much in the state of the public mind to damp the ardent expectations of the king. In the upper house there did not, indeed, exist any formal opposition to the court ; but many of the lords looked with an evil eye on the ascendancy of Buckingham, and were ready to vote for any measure which, by embarrassing the government, might precipitate the fall of the favourite. Their real but unavowed head was the earl of Pembroke ; and we may perhaps form a pretty correct notion of the strength of the two parties by adverting to the number of proxies entrusted to their leaders. If Buckingham had thirteen, Pembroke could boast of ten*.

In the commons the saints or zealots formed a most powerful phalanx. Austere to themselves, intolerant to others, they sought to reform both church and state, according to their peculiar notions of scriptural doctrine

* Journals, iii. 431.

and scriptural practice. They deemed it the first of their duties to eradicate popery, which like a phantom haunted their imaginations by day and night; wherever they turned they saw it stalking before them; they discovered it even in the gaieties and revelries of the court, the distinction of rank in the hierarchy, the ceremonies of the church, and the existence of pluralities among the clergy. Their zeal was always active; but of late it had been fanned into a flame by the publications of Dr. Montague, one of the royal chaplains. Montague, in a controversial argument with a catholic missionary, had disowned many of the doctrines imputed to him by his adversary. They were, he said, the doctrines of Calvin, not those of the established church. The distinction gave great offence. Yates and Ward, two puritan ministers, prepared an information against him to be laid before the parliament, and Montague "appealed to Cæsar" in a tract dedicated to the king. This proceeding raised the indignation of his enemies to the highest pitch; they pronounced him a concealed papist, whose object it was to introduce popery; they suspected that he was encouraged by promises of support from several of the prelates, perhaps from Charles himself; and they sought his punishment with as much eagerness and pertinacity as if on it alone depended the very existence of the reformed faith.

These zealots generally fought under the same banner, and on most questions made common cause with the members of the country party, who, whatever might be their religious feelings, professed to seek the reformation of abuse in the prerogative, and the preservation of the liberties of the people. The perpetual conflict between authority and conscience during the late reigns, aided by the more general communication of political knowledge, had emboldened men to prefer principle to precedent, to dispute the propriety of usages which were defended only because they existed, and to condemn as an abuse in the crown whatever seemed incompatible with the

rights of the people. The advocates of these doctrines easily obtained seats in the lower house; and, as experience had shown that their real strength consisted in the control of the public purse, they had come to a resolution to oppose every grant of money to the sovereign which was not coupled with the abolition of some national grievance, or the renunciation of some arbitrary and oppressive claim.

What rendered the union of the two parties more formidable was the specious colour given to their pretences. They combated for pure religion and civil liberty: to oppose them was to court the imputation of superstition and of slavery. Hence the very servants of the crown dared not meet them fairly; they gave them credit for the uprightness of their motives; they professed to have in view the attainment of the very same objects; they confined their opposition to the manner rather than the substance, and sought to retard the progress of the reformers by raising up collateral difficulties, and predicting future but imaginary evils.

It is true that Charles had acquired the favour of the last parliament; but after its prorogation his popularity had rapidly declined. If he had refused one popish princess, he had substituted another; if he swore to grant nothing more to his future wife than the private exercise of her religion, he had within a few months violated his oath by promising in her favour toleration to all the catholics in his dominions. Hence it was concluded that the king had no settled notions of his own; that he was a mere tool in the hands of Buckingham, who had assumed the mask of patriotism during the last year, for the sole purpose of gratifying his resentment against Spain.

The session was opened with a gracious speech from June the throne; but, though it had been customary to give credit to the professions of a new sovereign, nothing was heard among the commons but the misbodings of fanaticism and the murmurs of distrust. The king, at the

request of the two houses, had appointed a day of public humiliation, fasting, and prayer; they anticipated it by a week, that they might give the example to the rest of the nation. They assembled in the church of St. Margaret; listened with the most edifying patience to four long and impassioned sermons, and returned in a body the next day to receive the sacrament. The first fruit of their devotion was what they termed "a pious petition," in which they conjured the king, as he valued the advancement of true religion, as he disapproved of idolatry and superstition, to put into immediate execution all the existing laws against catholic recusants and missionaries. At no time could such an address have proved more unwelcome to his feelings. He had just married a catholic princess; he had bound himself by treaty to grant indulgence to her brethren of the same faith, and his palace was crowded with catholic noblemen, whom he had invited from France to do honour to his nuptials; but prudence taught him to subdue his vexation, and he returned a gracious and satisfactory answer*.

From the catholics the commons turned their attention to the theological works of Dr. Montague. In them
 June 21. a committee discovered, or pretended to discover, much
 7. that seemed in opposition to the articles and homilies; his "appeal to Cæsar" was voted a contempt of the house, and the unfortunate divine was ordered to be taken into custody by the sergeant-at-arms. Charles dared not resent what he deemed an encroachment on
 9. his ecclesiastical supremacy; he even condescended to request that, since Montague was his servant, one of his chaplains in ordinary, the punishment of the offence might be referred to himself. But the favour was refused; and the prisoner gave bail for his appearance in the sum of 2000*l*.†

* *Lords' Journals*, 435. 441. 443. 460. *Commons'*, June 21, July 6. 8, 9.

† *Journals*, July 7. 9. *Bibliotheca Regia*, 206.

The third subject of their consideration was the state of the king's finances. He shewed that the charges for the equipment of the navy alone had amounted to 300,000*l.*; they refused to grant him more than two subsidies, about one half of that sum, for the whole expense of the war*. His predecessors, ever since the reign of Henry VI., had received the duties of tonnage and poundage for life; they voted the same to him, but limited the duration to the first year of his reign. Charles received the intelligence with surprise and indignation; but it was too late to recall their attention to the subject; more than twelve hundred persons had died of the mortality in the last week, and the parliament was adjourned by commission, to meet again, after a July short recess, in the city of Oxford. 11.

At Oxford it sat but a few days; and they were days of angry debate, and mutual recrimination. Charges of Aug. perfidy were exchanged between the opponents and the advocates of the court. The king, it was said by one party, had promised to put in execution the penal laws against the catholics, and yet in the face of that promise had granted pardon to eleven priests under prosecution for capital offences†: the two houses, it was retorted by the other, had pledged their word to support the late monarch with their fortunes, if he would break the treaty with Spain, and now they refused the supplies required by their own votes. Charles asked at first two subsidies and fifteenths; he descended to the trifling sum of 40,000*l.*: but the commons replied, that, though 4. they had heard much of the war, they still remained

* Each subsidy was of four shillings in the pound on real property, and two shillings and eight pence on personal estates of three pounds and upwards. But aliens and popish recusants convict were to pay twice the amount paid by others: and catholics, who had not received the sacrament in the church within the year, were to pay a poll tax of eightpence. Stat. v. 10.

† It was replied that the pardon had been promised before, though it was signed after the adjournment; and as a kind of satisfaction, the king ordered the petition of the two houses, with his answer annexed, to be entered on the rolls of parliament. Journals, 477. 479.

ignorant who was the enemy; that to grant subsidies, which must be raised in subsequent years, was to impose upon others the burden which they ought to bear themselves; and that if 40,000*l.* would suffice for the present necessity, the money might easily be raised by loan without the aid of parliament. Buckingham undertook,

- Aug. 9. in a conference between the two houses, to account for the demands, and to explain the intentions of the king; but he only provoked the malice of his own enemies, who censured his youth and inexperience, charged him with neglect of his duty as lord admiral, and complained of the ambition which led him to unite in his own person so many high offices, the obligations of which were incompatible with each other. Charles was more alive to the interests of his favourite than to his own. The infection had introduced itself into Oxford; and, to save the duke from impeachment, he made use of
12. that pretext to dissolve the parliament*.

It was not the character of the king to be diverted from his purpose by opposition. He had not yet declared war; the object of his military preparations had been kept secret; and, as he could not obtain pecuniary aid from his subjects, he was still free to remain at peace with his neighbours. But immediately after the dissolution Buckingham repaired to Plymouth to hasten the expedition, while Charles assumed the task of raising money to defray the expense. To this purpose he devoted every shilling which he could procure by terror, or entreaty, or retrenchment; the duties on merchandise were levied, though the bill had not been passed by the house of lords†; privy seals were issued to the more opulent of the nobility and gentry; the payment of all fees and salaries was sus-

* Journals, 467—489. Commons, Aug. 1. Aug. 12. "Buckingham has repeatedly said to me the king would place the defence of him, the duke, before his own interest." Duplessis, in Raumer, ii. 293.

† It was read a first time (Journals, 463.) and then neglected. The king was unwilling to receive the duties for a year only, and the lord keeper Williams prevented the second reading. Hacket, ii. 17.

pended; and to such a state of destitution was the royal household reduced, that, to procure provisions for his table, the king was obliged to borrow 3000*l.* of the corporations of Salisbury and Southampton, on the joint security of the lord treasurer, and of the chancellor of the exchequer*.

At length, in the month of October, this mysterious expedition, consisting of ninety sail, and having on Oct. board an army of 10,000 men, left the harbour of Ply- 3.
mouth, under sir Edward Cecil, now created viscount Wimbledon, a general officer, who, though he had grown grey in the service of the states of Holland, was pronounced by the public voice unequal to so important a command. Its destination was Cadiz; and had it been directed by an officer of more decisive character, the shipping in the harbour might have been surprised. The troops, however, were landed; the fort of Puntal capitulated, and a rapid march was made towards the bridge of Suazzo, to intercept the communication between the Isla and the continent. But the men discovering on their march several cellars stored with wine, indulged to excess; their insubordination alarmed the feeble mind of the commander; and though no enemy had appeared, he led them back with precipitation to the fleet. By the next article of his instructions he was ordered to intercept a rich convoy of Spanish merchantmen from the West Indies. It passed him unobserved during the night; and after a fruitless cruise of seventeen days, he returned to Plymouth, with the loss of Dec. more than a thousand men, not from the swords of the 8.
enemy, (for he had seen none,) but from the ravages of a pestilential disease, which did not spare a single ship in the fleet. To Charles, who had indulged in dreams of victory and plunder, this disgraceful result was a source of the keenest anguish; he ordered an inquiry; the council examined the commander-in-chief and his

* Sydney papers, ii 363. Rymer, xviii. 181. Rushworth, i. 196, 197.

inferior officers; but their statements were discordant, their complaints reciprocal; and after a long investigation, it was deemed expedient to bury the whole matter in silence*.

Dec. 9. While Buckingham governed the king, he was governed in his turn by lord Kensington, lately created earl of Holland. With this nobleman in his company he sailed to the Hague, taking with him the crown plate and jewels, on the security of which, it was calculated, that he might raise 300,000*l.*† A treaty offensive and defensive had been already concluded with the states; he negotiated a second with the king of Denmark, who engaged, on the payment of a monthly subsidy by Charles, and of another by the united provinces, to maintain in the field an army of 36,000 men. Thence Buckingham prepared to proceed to Paris, but was deterred by an unwelcome message from Richelieu, that his presence in that capital would not be tolerated. Lord Holland and sir Dudley Carleton were substituted in his place; and the tenor of their instructions shows, that the recent marriage had not created a very friendly feeling between the two courts. They received orders to demand the restoration of certain ships formerly lent to the French king, and to mediate a peace between him and his revolted subjects, the French protestants. If a new alliance should be proposed, they were neither to accept nor refuse it; but in the mean time to hold secret communication with the protestants in arms; to assure them of protection from England whenever it might be necessary; and to inquire what forces they could raise, if Charles were to engage in war on their account. It is plain that the king already meditated hostilities against

* Rushworth, i. 195. Howell's Letters, 185. Whitelock, 2. Wimbledon says, that he accepted the command with reluctance; that he foretold the result, and that he acted in opposition to his own judgment, but in obedience to that of the king. Cabala, 404—406.

† Rymer, xviii. 236—240. Strafford papers, i. 28. Sydney papers, ii. 260. "My lord of Holland governs my lord of Buckingham, and so the king. The passages of this place are not fit for letters." Earl of Pembroke, *ibid.* 361.

France; but the design was defeated by the policy of Richelieu, who made peace with the insurgents, promised to restore the ships which had been borrowed, and offered to send an army into Germany, provided the English monarch would do the same*.

At home the king felt himself at a loss how to proceed in regard of his catholic subjects. The secret treaty in their favour, to which he had sworn at his marriage, was in direct contradiction to his previous protestations, and to his late answer to the parliament, an answer dictated by Buckingham with the hope of mollifying his enemies among the puritans. But Charles was always influenced by present convenience, and, as the lesser evil, he determined to violate the treaty. The magistrates received orders to watch over the strict execution of the penal laws; a commission was appointed to levy the fines due by the catholics, and to apply them to the charges of the war: and a succession of proclamations enjoined all parents and guardians to recall their children and wards from seminaries beyond the sea; all catholic priests to quit the kingdom against a certain day; and all recusants to deliver up their arms, and confine themselves within the circuit of five miles from their respective dwellings. The king of France remonstrated by an extraordinary ambassador; he insisted on the faithful observance of the treaty; but Charles, who had pledged his word to call a parliament after Christmas, dared not face his opponents, until he had carried into effect the prayer of their petition; and in excuse to Louis alleged, that he had never considered the stipulation in favour of the catholics as anything more than an artifice to obtain the papal dispensation†.

* Clarendon papers, i. 27. Rymer, viii. 256. Dumont, v. 478. 482. Journals, Apr. 18, 1636. Hardwicke papers, ii. 6.

† Rym. xviii. 179. 228. 267. Sydney papers, ii. 365. Strafford papers, i. 28. Hardwicke papers, ii. 4. 7. Rushworth, 196. 198. 202. See also the letter from the king to the archbishops, those of the archbishops to the bishops, and their circulars to the chancellors and archdeacons, ordering them to proceed against recusants in the spiritual courts, and

As that term approached the king laboured to break the strength of the opposition in both houses. The earl of Pembroke submitted, at the royal command, to seek a reconciliation with the favourite; the distant and scornful behaviour of the sovereign admonished the earl
 Nov. marshal of the offence which he had given; and the lord keeper received an order to surrender the great seal, which was bestowed on the attorney-general, sir Thomas Coventry. It was not that Williams had been wanting in servility of demeanor, or protestations of attachment: but his former offence had not been forgotten; the merit of his present services was balanced by the discovery of his intrigues with the country party; and it was deemed best to deprive a man, whose abilities were feared as much as they were prized, of the power of doing harm, by removing him from office, and marking him out for the object of future vengeance*.

With a similar view the king adopted an extraordinary expedient to withdraw the most formidable members
 13. of the opposition from the house of commons. When the judges presented to him the list of sheriffs for the ensuing year, he struck out several of the names, and in their place substituted those of seven individuals who had distinguished themselves by their hostility to Buckingham in former parliaments†. The artifice was too

return into the chancery the names of all the recusants in each diocese. *Bibliotheca Regia*, 12—16.

* *Strafford papers*, i. 28. *Sydney papers*, ii. 364, 365. *Hacket*, ii. 16—18.

† They were sir Edward Coke, sir Thomas Wentworth, sir Francis Seymour, sir Robert Phillips, sir Grey Palmer, sir William Fleetwood, and Edward Alford. Coke, from his legal knowledge, gave the king considerable trouble. He refused to be sworn, and tendered to the judges four exceptions against the sheriff's oath. Three were rejected as frivolous; they admitted the fourth, that the clause binding the sheriff "to destroy and make to cease all heresies, and errors, commonly called lollardies, within his bailwick," was in opposition to the statutes establishing the reformed church, because several of her doctrines were the same as those formerly called lollardies. But Charles ordered the clause to be struck out, and Coke took the oath. (*Rush*, i. 201, 202.) It was next suggested that, though the sheriffs could not be returned for places within their respective shires, yet they might sit as the representatives of other counties or boroughs. Wentworth was unwilling to adopt an expedient which might bring him into collision with the royal authority (*Strafford papers*, i. 30, 31.): but Coke was less timid; he accepted a seat for the county of Nor-

gross to escape detection ; and it served in the result to hasten that impeachment which the king sought to avert. The new sheriffs could not indeed sit as members ; but their friends looked on their exclusion as an unpardonable abuse of power, and longed for an opportunity of visiting it upon the head of the man to whose counsels it was attributed.

At Candlemas the king was crowned *, and four days Feb later he met the new parliament. The first care of the commons was to appoint a committee of religion, a second of grievances, and a third of evils, causes, and remedies ; committees, the very names of which disclosed the temper and aim of the leading members. 1°. The committee of religion resumed the subjects of popery, and of the heterodox opinions of Dr. Montague. Under the pretext that most of the calamities which oppressed the nation sprung from the increase of popery, it was resolved to enact laws of additional severity against the professors of the ancient creed : schoolmasters were summoned from the most distant parts to answer interrogatories respecting their own sentiments and those of their scholars ; and every member in the house was successively called upon to denounce all persons in authority or office who to his knowledge were suspected, or whose wives or children were suspected, of any secret leaning to the catholic worship †. Against Dr. Montague a charge was prepared to be presented to the house of

folk, and the question of his eligibility was repeatedly discussed in the house of commons. The weight of precedent appeared to be against him : but his friends had sufficient influence to prevent an unfavourable decision ; and, though he did not take his seat, he was suffered to enjoy all the other privileges of a member. Journals, Feb. 10, 27. June 9, 1626.

* Two things were remarked on this occasion. When the people were called upon to " testify by their general acclamation their consent to have " Charles for their sovereign, they remained silent, till the earl-marshal " told them to shout ;" and the unction, that it might not be seen, was performed behind a traverse by archbishop Abbot : whence, as notwithstanding his absolution by king James, he was still thought irregular by many, considerable doubts were raised of the validity of the coronation. See the letter of D'Ewes, in Ellis, iii. 214.

† Journals, Feb. 15. 21. Mar. 7. 9. May 3. 11. 23. June 6, 1626.

lords. He had been guilty of the heinous crimes of acknowledging the church of Rome to be a true church, and of maintaining that the articles in dispute between her and the church of England were of minor importance. The king, notwithstanding the entreaties of bishop Laud, resolved to leave the obnoxious divine to his fate ; from which he was only saved by the intervention of matters of greater interest, and the sudden dissolution of the parliament *. 2°. The committee of grievances, after a tedious investigation, denounced to the house sixteen abuses, as subversive of the liberties of the people. Of these the most prominent were, the practice of impositions, which had been so warmly debated in the last reign ; that of purveyance, by which the officers of the household collected provisions at a fixed price to the distance of sixty miles from the court ; and the illegal conduct of the lord treasurer, who persisted in levying the duties of tonnage and poundage without authority of parliament. It was urged in his vindication that for centuries they had formed part of the annual income of the crown : but the opposite party replied, that if the king could impose one tax by virtue of the prerogative, he might equally impose others ; the consent of parliament would be no longer requisite ; and the property of the subject would be placed at the arbitrary disposal of the sovereign †.

Charles, who watched these proceedings with impatience, reminded the house of his wants, and received in return a promise of three subsidies and fifteenths, as soon as he should give a favourable answer to their prayer for the redress of grievances. His pride spurned the condition. He advised them to hasten and augment the supply, or " else it would be worse for themselves ;" Mar. he repeated the menace, he wrote to the speaker, he re-
29. primanded the house in the presence of the lords, and at

* Journals, Mar. 17. 19. 20. June 14.

† Ibid. Ap. 27. May 24. June 8.

last extorted the vote of an additional subsidy. But by this time the committee of evils, causes, and remedies, had discovered that, as the duke of Buckingham was the real "cause," so his punishment would be the great "remedy" of the national "evils;" and under this impression a resolution was taken to impeach him before the upper house of sundry high crimes and misdemeanors*.

It argues an unusual want of prudence, a dangerous May obstinacy of character, in the king, that while he was 8. thus at open war with the commons, he wanted only provoked, and unwisely prolonged, another and useless quarrel with the house of lords. The reader is aware that he was already offended with the conduct of the earl marshal. Lord Maltravers, the son of that nobleman, privately married a daughter of the duke of Lennox. The royal license had not been asked: the apology of the earl, that the match was clandestinely concerted between the mothers of the parties, was not admitted; and Arundel, in virtue of a royal warrant, was arrested and conveyed to the Tower. The king attributed it to his good fortune that he was able at this particular moment to exclude from parliament a peer whose hostility to the 13. favourite was avowed, and who, being intrusted with no fewer than six proxies, might have proved a most dangerous adversary. To his surprise and confusion the lords voted the imprisonment of the earl, pending the session, an infringement of their privileges; and they presented address after address soliciting his immediate release. Charles returned evasive answers; he sent the attorney-general to plead in favour of his prerogative; he described the conduct of the earl marshal as personally offensive to himself, and dangerous to the state. But the lords refused to yield: they passed a resolution June to suspend all other proceedings till their colleague had 8.

* Journals, Mar. 10. 20. 27. April 13. 20. May 2. 8. Rushworth, i. 218—230.

again taken his place; and, after a contest of three months, they triumphed over the pride and reluctance of the king. Arundel was set at liberty, and resumed his seat amidst the loud congratulations of the house*.

But the duke had another enemy to fear, one who, though he could not boast of equal influence with the earl marshal, had the power of inflicting a deeper wound on his character. The reader will recollect the fallacious statement by which Buckingham, with the prince standing at his side, had induced the two houses to break the Spanish treaty. From that moment they had lived in continual terror of the disclosures which might some day be made by the earl of Bristol: the moment he arrived from Spain he had been put under restraint; he was forbidden to appear at court, or to attend his duty in parliament; and the royal displeasure was extended to all who ventured to pay him even a casual visit in his retirement at Sherburne†. Bristol, however, was not of a character to bend to oppression: he refused to sign the submission proposed to him by the favourite; he watched with patience the growing discontent of the nation; and, when he had ascertained the strength of the opposition in both houses, complained to the peers that, in violation of their common privilege, his writ of summons to parliament had been unjustly withheld. Charles immediately ordered the writ to be issued; but with it

Mar.

31. Bristol received a letter forbidding him to avail himself of it, under pain of the royal displeasure. This he forwarded to the house; soliciting advice in a case which might hereafter be that of any other peer, and demanding permission to accuse, in his place, of high crimes and misdemeanors, the man who, that he might elude the punishment which he deserved, had for two years de-

* Journals, 536. 538. 552. 558. 562. 564. 566. 580. 581. 594. 630. 646. 650—655. From this number of references the reader may judge of the spirit and perseverance of the lords. The privilege which they claimed was freedom from arrest, unless in cases of felony or treason.

† See Sydney papers, ii. 360. 364.

prived another of his liberty and rights. This bold proceeding alarmed both the king and the duke: a new expedient was adopted to silence the accuser; and the next day the attorney-general charged Bristol himself with high treason at the bar of the house. The lords perceived and defeated the artifice: they ordered that each cause should be heard in succession; and that the charge against the earl should not be held to prevent, prejudice, or impeach, his testimony*.

The articles which he exhibited against Buckingham, and which he pledged himself to prove by written documents and undeniable testimony, affected the moral as much as the political character of that nobleman. They accused him of having conspired with Gondomar to draw the prince by false information into Spain, that he might there change his religion before his marriage with the infanta; of having, while he resided in the Spanish court, disgraced himself and his country by his contempt of decency, and the profligacy of his amours†; of having broken off the treaty of marriage solely through a spirit of resentment, because the Spanish council, dissatisfied with his misconduct, had refused to continue the negociation with so dissolute a minister; and of having, at his return, deceived both his sovereign and the parliament by falsehood and misrepresentation. What answer Buckingham would have made to these charges we know not: the parliament was dissolved before he attempted to defend himself: but that he should allow them to remain without denial on the journals seems to argue a consciousness* that his conduct could not bear investigation‡.

* Journals, 537. 544. 563. 567. 572.

† This is the charge: "as for the scandal given by his personal behaviour, as also his employing his power with the king of Spain for the procuring of favours and offices, which he conferred on base and unworthy persons for the recompense and hire of his lust, these things, as neither fit for the earl of Bristol to speak, nor indeed for the house to hear, he leaveth to your lordships' wisdoms how far it will please you to have them examined." Journals, 577.

‡ Journals, 576. 669. Bristol also exhibited articles against lord Con-

The charge of treason brought by the king against Bristol, when it was divested of the high-sounding language in which it had been clothed by the attorney general, dwindled into comparative insignificance. It

May stated that the earl, in violation of his duty as an ambassador, had falsely assured the late monarch of the sincerity of the Spanish cabinet; that he had indirectly, at least, concurred in the plan of inducing the prince to change his religion; that he had sought to force the marriage upon him, by seeking to deliver the procurator to Philip; and that in his letter to the lords he had given the lie to his sovereign, by terming that statement false, which Charles had vouched to be true. These charges gave to Bristol that which he had so long sought, the opportunity of vindicating his conduct. His answer, which was entered on the journals, appears full and satisfactory*.

- 6.
- 19.
8. If Buckingham neglected to notice the articles exhibited against him by the earl, he attributed the delay to the necessity imposed on him of answering a charge of still greater importance. In defiance of the royal prohibition, the commons had impeached him before the lords, and had comprised his offences under thirteen heads; that he had purchased for money, and had united in his own person, several of the highest offices in the kingdom; had diverted to his own use the revenue of the crown; had raised his indigent kindred to wealth and honours; had suffered the trade of the country to fall to ruin by his negligence; had provoked the king of France to make reprisals on the merchants, by unjustly detaining a French ship for his own profit; had extorted 10,000*l.* from the East India Company; had lent a squadron of English ships to be employed against the French protestants; and had presumed to administer

way, whom he represented as the creature of Buckingham. He charged him with acts of oppression: Conway replied that whatever he had done was by order of the king. 1*bid.* 676.

* 1*bid.* 582, 632.

medicine to the late king, without the approbation of the physicians*. Sir Dudley Digges opened the charge; it was continued by six other members; and sir John May Elliot, having compared Buckingham to Sejanus in lust, rapacity, and ambition, concluded with this exclamation; "My lords, you see the *man*. By him came all these evils: in him we find the cause; on him we expect the remedies†." 8. 10.

A report had been carried to Charles that the two managers, in allusion to the last of the articles, had thrown out a hint that Buckingham was but the inferior agent; a more illustrious personage had been the chief conspirator against the life of the late monarch. In a transport of passion, he ordered Digges and Elliot to be committed to the Tower; and hastening to the house of lords, called on them to vindicate the character and privileges of their sovereign. He had borne in patience the imputations on the duke, though he could "be a witness to clear him in every one of the articles:" but he would suffer no one to insinuate of himself with impunity, that *he* had been privy to the death of his father. The commons, on the other hand, demanded justice for the imprisonment of the two members, and refused to proceed to any business till they should be discharged. In a few days the king's anger cooled: he was persuaded to yield; and both houses declared that they had heard none of the words, the report of which had given such heinous offence‡. 11. 19.

But at the same time the death of the earl of Suffolk

* This fact was represented by the enemies of the duke as the cause of the king's death. But if we may believe him, it passed in this manner. The king, understanding that the earl of Warwick's physician had prescribed for Buckingham "a plaister and a posset drink," when he was ill of the ague, ordered John Baker, one of the duke's servants, to procure the same for him. They were brought while Buckingham was absent. At his return, James ordered him to give him the posset drink, which he did in the presence of the physicians, who made no objections. *Lords' Journals*, 682.

† *Lords' Journals*, 618.

‡ *Ibid.* 592. 627. Commons, May 12, 13, 15, 16, 17, 19, 20. *Carleton's Letters*, xxxvii.—xlv. *Rushworth*, i. 264.

afforded him an opportunity of triumphing over the enemies of his favourite. The chancellorship of the university of Cambridge became vacant; and a royal mandate named Buckingham as successor to Suffolk. The heads promised obedience: the younger members put in nomination the earl of Berkshire. After a severe contest the duke obtained the office by the small majority of three. The commons voted the election of a man under impeachment an insult offered to their house; they resolved to inquire into the proceedings; and had prepared an answer to a prohibition from the king, when the dispute was suddenly terminated by the dissolution of parliament*.

If Charles had allowed it to sit so long, his only object was that Buckingham might have leisure to prepare his answer with the assistance of sir Nicholas Hyde. He divided the charges into three classes: some he pronounced to be unfounded in fact, the groundless calumnies of his opponents; some, he affirmed, did not affect *him*; they referred to the personal acts of the last, or of the present king; and of others, he contended that a sufficient justification would be found in the orders of the sovereign, or the advice of the judges. To one he pleaded guilty, the purchase of the wardenship of the cinq ports, but thought it might be excused on the ground of public utility: with respect to another, the delivery of the ships to the officers of the French king, he appeared to falter: not that he was unable to prove the innocence of his conduct, but that it was imprudent to disclose the secrets of the state†. This answer was

* Ellis, iii. 228—235. Journals, June 5, 6, 7. Biblioth. Regia, 235. Rushworth, 376.

† The following is the best account which I have been able to collect respecting this very extraordinary transaction:—The Spaniards, to revenge themselves on the French cabinet, which had aided the protestants of the low countries against them, entered, in October 1624, into a secret treaty with the duke of Rohan and the prince of Soubize, the leaders of the French protestants against the king of France. Soubize, sailing unexpectedly from Rochelle, surprised the isle of Rhé, and captured at Blavet a ship of eighty guns. Louis immediately applied to the king of England, and the states of the united provinces, for maritime aid, and



calculated to make a strong impression on the minds of the lords. It placed the conduct of the duke in a most favourable light, and represented him as a faithful but injured servant, the victim of unmerited suspicion and calumny. The commons announced their intention of June replying: but the king refused to allow them the opportunity. Aware of his object, they hastily prepared a long and energetic remonstrance, repeating their charges against the favourite, and requesting that he might be removed from the royal presence. But Charles, before it was presented, signed a commission for the dissolution 11. of the parliament, and to the prayer of the lords for a short delay, replied with impatience; "No, not of one minute." The earls of Arundel and Bristol were immediately placed under confinement, the former in his own house, the latter in the Tower*.

The proceedings of this session had kept the king in a state of continual irritation: its dissolution left him to struggle with his pecuniary difficulties, which were daily

both agreed to supply the number of ships to which they were bound by treaty,—the king eight, the Hollanders twenty. For this purpose Charles pressed seven merchantmen into his service, and placed them under the command of Pennington, in the Vanguard, a ship of war (May 8, 1625). They were next transferred by contract to the service of France; but the men understanding at Dieppe that it was intended to employ them in an expedition against Rochelle, refused to fight, and returned to the Downs. They were twice sent back, and Pennington received a warrant from the king to sink any ship that might attempt to escape (July 28). One, however, returned; the others, being manned by Frenchmen, were employed, and restored at the termination of the war. The offence said to have been committed by the duke was, that he, as high admiral, had lent English ships for the purpose of opposing the protestants. The answer given by his friends, and by himself, was, that he and the king had been deceived:—they knew not of the intention of the French cabinet; they supposed that the ships would have been employed against Genoa. That this allegation was false, is evident from the whole tenor of the transaction, from the unwillingness of the duke to give an explanation, from a passage in his letter, dated Paris, May 30th, 1625: "the peace with them of the religion depends upon the success of that fleet they (the French) had from your majesty and the low countries." Clarendon Papers, ii. App. xxv.; and from another passage in the instructions given to him on the 17th of October, "we conceive that the work which was required to be done by them (the ships) being the suppression of *Soubise*, is accomplished." Rym. xviii. 209. See the treaty of 1610, confirmed in 1630, Rym. xvi. 696. Archæologia, xvii. 12. Prynn, Hidden Works of Darkness, 85. Rush, i. 178. Journals, 603—608. 661. Lord Nugent's Hampden, i. 385.

* Journals, 592. 655—663. 683.

multiplied by the demands of his Danish and German allies. He had threatened the commons to pursue "new counsels:" necessity compelled him to execute his threat. 1°. Tonnage and poundage, comprising all the duties levied on imports and exports, formed the principal portion of the annual income. No bill, authorizing these duties, had been passed: nevertheless he ordered the officers of the customs to exact them in the same manner as had been done in his father's reign: not, indeed, that they belonged to him of right, but under the pretext, that they would have been granted to him of course, if the parliament had not been prematurely dissolved. 2°. A Commission was appointed to improve the income arising from the crown lands, with authority, in consideration of the actual payment of a large fine, to grant long and profitable leases, to extinguish the more onerous services incident to feudal tenures, and to convert the lands holden by copyright or lease, into fee farms at certain annual rents. 3°. Other commissioners were invested with powers to inquire into the arrears of the penalties due for religious delinquency, and to secure the annual payment for the future. Their instructions distinguished between the poor and the more opulent recusants. Those of the first class were allowed to compound for their fines, that they might not be reduced to absolute beggary: from those of the second, the commissioners were ordered to take two-thirds of their lands, and to let them on lease to the highest bidder, and in that case to the owner himself, though it was contrary to the law. 4°. Privy seals for the loan of money were again issued to noblemen, gentlemen, and merchants of reputed property; and an immediate advance of 120,000*l.* was imperiously required from the city of London. 5°. Under pretence of the protection of commerce in the narrow seas, the several ports were compelled to provide and maintain, during three months, a certain number of armed vessels, and at the same time the lords lieutenants of the different

counties received orders to muster the inhabitants, train them to arms, and employ them for the purpose of suppressing civil tumult, or of repelling foreign invasion *.

While men expressed their surprise and indignation at these arbitrary proceedings, intelligence arrived, which spread a deep gloom over the whole kingdom. A great and bloody battle had been fought at Luttern, ^{Aug. 27} between the imperialists under count Tilly, and the allies of Charles under the king of Denmark. The latter had fled beyond the Elbe; their artillery and baggage had fallen into the hands of the conquerors; and the whole circle of Lower Saxony, abandoned without defence, lay at the mercy of Ferdinand. The cause of the prince Palatine was at last pronounced desperate: the very existence of protestantism in Germany was thought to be at stake. Charles seized the favourable moment to execute a measure which he had long meditated, but had not dared to attempt. He resolved to raise a forced loan by his own authority; and with this view he appointed commissioners in every county, instructed them to take the book of the last subsidy for their guide, and empowered them to exact from each individual the advance of a sum of money according to the former rate, in the proportion of cent. per cent. on land, and of a mark in the pound on personal property. This demand was of itself sufficiently despotic; it was rendered still more intolerable by the inquisitorial powers, with which the commissioners were armed. They received orders to interrogate the refractory upon oath; to require from them an avowal of the motive of their disobedience, and a disclosure of the names of their advisers; and to charge them on their allegiance to keep their answers to these questions secret from all persons whomsoever†.

To induce submission, the king published an elaborate proclamation, stating, that he had been driven to this

* For these particulars see Rym. xviii. 730. 7. 9. 41. 55. 71. 86. and Rush. i. 417—421.

† Rush. i. 422. Rymer, xviii. 835—842.

extraordinary measure by the exigence of the moment, which did not allow him time to consult his parliament; and promising that every farthing advanced by his loving subjects should be faithfully repaid out of the next subsidies by their grateful sovereign. At the same time he wrote to the clergy, calling on them to come forward in support of the protestant interest, to preach unanimity and obedience, and to impress on the minds of their parishioners the duty of aiding the king in his necessities*. But there were many who refused to listen either to the commands of the sovereign or to the exhortations of their ministers. Their names were returned by the commissioners: the more opulent received a summons to appear before the council, and were either committed to prison, or confined in private houses at a considerable distance from their homes and families; the poor, that "they might serve with their bodies, since they refused to serve with their purses," were forcibly enrolled in the army or navy†. Charles refused to show any indulgence. It had been repeatedly said that he was governed by Buckingham: now, that the favourite was absent, he resolved to prove, by acts of vigour, or rather of despotism, that he had a will of his own, and was not of that easy and ductile disposition which had been attributed to him by his opponents.

The mission on which the duke was employed had for its object to arm the French protestants against their sovereign, and to make a descent upon the French coast. But what was the inducement, or rather the necessity, which led the king, at a moment when, in the estimation of every thinking man, there were only two expedients by which he could extricate himself from his difficulties,—a peace with Spain, or a reconciliation with his parliament, to neglect them both, and in addition, to provoke a war with the monarch, whose

* Rymer, xviii. 764. Bibliotheca Regia, 298—305. Wilkin's con. iv. 471.

† Rushworth, i. 426. Strafford Papers, i. 36—41.

alliance he had courted, and whose sister he had married? The motives for this rash step were never openly avowed: they may perhaps be discovered by attending to the following incidents.

1°. When Buckingham, two years before, entered Paris, as the guide appointed by Charles to conduct the French princess to England, he dazzled every eye with the splendour of his dress, and the number and magnificence of his retinue*. Among the ladies at court, the gallant Englishman became the theme of general admiration: he singled out for the object of his attentions the young queen Anne of Austria, the elder sister of the Spanish infanta. Buckingham had the presumption to love, and to fancy himself beloved; but his steps were watched, and a seasonable hint of danger restrained him within the limits of decorum. When he took leave of Anne on his departure from Amiens, it was observed that his eyes were suffused with tears; and the moment he reached Boulogne, leaving Henrietta to the care of her servants, he returned to that city under the pretence of important business, and boldly intruded, without notice, into the royal bed-chamber. Anne was attended by two of her maids of honour: she heard with apparent anger the protestations of attachment which her lover addressed to her on his knees; and ordered him to depart in a tone of severity, the sincerity of which was suspected by her female biographer. The presumption of the duke could not be concealed; and Louis ordered several of the queen's domestics to be immediately discharged. Buckingham, after his return to England, continued to nourish this extravagant passion, and had recourse to every expe-

* He took with him "a rich white satin uncut velvet suit, set all over, "both suit and cloak, with diamonds, the value whereof is thought to be "worth four score thousand pounds, besides a feather made with great "diamonds, with sword, girdle, hatband and spurs with diamonds: which "suite his grace intends to enter Paris with." He had twenty-seven other suits, all "rich as invention could frame or art fashion." Hardwicke Papers, i. 571. Ellis, iii. 189.

dient to procure another invitation to the French court. The reader has seen that he obtained the appointment of ambassador, but was refused admission by the cardinal Richelieu: his confidant, the earl of Holland, who proceeded to Paris, laboured in vain to remove the impediment; and the French courtiers avowed their determination to shed the blood of the foreign minion, who sought to defile the bed of their sovereign. Still the duke did not desist. Two other attempts were made; but no persuasion, no artifice could subdue the repugnance of Louis; and the war which followed has been attributed by English writers to the resentment of the disappointed lover, by the confidante of Anne, to his hope of being employed as ambassador to reconcile the two crowns. It is, however, plain, that whatever may have been the secret motives of Buckingham, he must have alleged some very different reason in defence of a measure which threatened to prove so prejudicial to the interests of his own sovereign*.

2°. When Henrietta reached England, she observed to the king that she was young, without experience, and ignorant of the national customs. She might commit many faults, but she begged that he would reprimand her in private, and not publish her misconduct to others. Yet the domestic happiness which they at first enjoyed was soon embittered by a succession of petty and vexatious quarrels. The king complained of the caprice and petulance of his wife, the queen of the morose and antigallican disposition of her husband. He attributed their disagreement to the discontent of her French

* Carte (iv. 139.) has attempted to throw discredit on this story from dates in the *Mercure François*. But there can be no doubt that it is substantially true. It is related by Madame de Motteville in her memoirs, (vol. i.) and is confirmed by the testimony of Clarendon, (Hist. i. 38,) by the celebrated stanzas of Voiture addressed to Anne herself, (Motteville, i. 321) and by the letters of Holland to Buckingham (Cabala, 352. 353). To understand these letters the reader should observe, that by the figure of a crown is meant the king of France, by that of an anchor the duke of Buckingham, high admiral, and by that of a heart his sweetheart, the French queen. See also the translation of the memoirs of Cardinal de Retz, iv. 185

attendants; she and her relations to the interested suggestions of Buckingham*. That the servants of her household met with much to exercise their patience, cannot be doubted: they occupied the place of Englishmen, and were consequently exposed to the hostility of all who might profit by their removal; and that the queen should undertake their defence was natural; she pleaded only for the strict observance of the marriage treaty. Charles, however, before the conclusion of six months, had resolved to send them back to France†. 1625. He sought to spare himself the charge of so expensive Nov. an establishment, at a time when the treasury was drained to the last shilling; and the number of the chaplains, the pomp with which they performed the service, and their bold, perhaps indiscreet, bearing, amidst the vilifiers of their religion, were thought to cause, or at least to strengthen, the opposition of the commons to the measures of the administration. These were probably the real grounds of his determination: but when he announced it to the French court, he 1626. alleged the impossibility of living happily with his wife, Feb. as long as her mind was daily harassed by the complaints and discontent of her French servants‡. The marquis de Blainville came over to mediate between the king and his consort; but Charles deemed the interference of the ambassador an insult, and the outrages of June the mob placed his life in danger. After several delays, 1.

* Motteville, i. Cabala, 252.

† Harleian MSS. 6988. There are two letters to Buckingham, of the same date, Nov. 20; one has been often quoted to prove that Charles was displeased with the duke, because he sought to dissuade him from sending away the queen's servants. But the other letter shows that the first was a mere artifice, that Buckingham, when he arrived at Paris, might have something to show in his own defence against the charges of Henrietta. Hard. Papers, ii. 1, 2. Ellis, iii. 216.

‡ Charles did not adopt this reason, till he had failed in an attempt to prove that they intended to carry back the queen to France clandestinely, or were actually plotting with his subjects. (His letter, *ibid.*) The queen-mother told the nuncio Spada that her daughter, "ogni di scriveva di voler tornare in Francia, o per lo meno vedersi con sua madre per comunicarle delle particolarità non communicabile nè alla penna, nè a terza persona." Letter of Spada, 18 Nov N. S.

- the king executed his project. Taking the queen by the hand, he led her into a separate apartment, and having informed her of his purpose, conducted her to his palace of Nonsuch. In the mean time, secretary Conway read to her attendants the royal order for their immediate removal to Somerset-house; and the yeomen of the guard, with their halberts, compelled them to depart. Their wages were paid, gratuities were added,
- July 1. and, after many objections and delays, the whole body, amounting to sixty, partly by persuasion, partly by force, consented to embark, and was safely landed in France *. Three native priests, recommended by
- Aug. 12. Buckingham, received the appointment of chaplains, and six females, of whom four were protestants, that of ladies of the bed-chamber to the queen †.

But this violent dismissal of her household was represented as a personal affront by the king of France. He refused to admit to his presence secretary Carleton, who had been sent by Charles to excuse or justify his conduct; he even talked of doing himself and his sister justice by the sword. But war was averted by the policy of Bassompierre, who came to England in the quality of ambassador extraordinary. He found the king and queen highly exasperated against each other: by argument and entreaty he induced them both to yield: it

Nov. 26. was arranged that a new establishment should be formed, partly of French, but principally of English servants; a bishop, a confessor and his companion, and ten priests, provided they were neither jesuits nor oratorians, were allowed; and in addition to the chapel originally prepared for the infanta at St. James's, it was agreed that another should be built for the queen's use at Somerset House. This arrangement restored har-

* On July 1, he visited them at Somerset-house, and told them that "some among them had so dallied with his patience that he could not, and would not, any longer endure it." Bib. Reg. 218. Yet they did not depart; and on the 7th of August he wrote to Buckingham,—"force them away, dryve them away, lyke so manie wyld beasts; and so the devill goe with them." Ellis, iii. 224.

† Ellis, iii. 238—247.

mony between the royal couple. Charles congratulated himself on the dutiful and affectionate behaviour of his wife; and Henrietta soon obtained considerable influence over the heart, and even the judgment of her husband*.

3°. From the removal of the queen's servants, Bassompierre passed to the treatment of the English catholics. Charles had bound himself to grant them every indulgence in his power, and yet he had let loose the pursuivants, and had enforced the penal laws against them. Of this, as a breach of the treaty, Louis had a right to complain: but the king, whose pride refused to plead the real cause, the necessity of yielding to the religious prepossessions of his subjects, contended that the treaty was "one of state, not of religion," and that the promise of indulgence was introduced "simply as a matter of form, to satisfy the pope and the catholics of France," but without any intention on either side that it must necessarily be carried into execution. He was, Nov. however, willing to forbid the employment of the pur- 27
suivants for the future, and to deliver into the hands of Bassompierre all the priests seventeen in number, who had been committed to the prisons of the metropolis. With this concession the ambassador professed himself satisfied; but at his return to France he was ungra-

* *Mémoires de Bassompierre*, iii. 284—315. *Hardwicke Papers*, ii. 14. One of the chief charges against the clergy attending the queen was, that they compelled her to go in procession to Tyburn, and to pray on the spot where the gunpowder conspirators had been executed. Charles in his instructions to Carleton, merely says, "they made her go to Tyburn in "devotion to pray." *Bib. Reg.* 219. The council in their answer to Bassompierre, that "they led her a long way on foot, to go in devotion to a "place where it has been the custom to execute criminals." *Mémoires de Bassom.* App. 138. The reader will be surprised to learn that this charge, so confidently made, is met by the ambassador with an absolute denial, and an assertion, moreover, that the lords who made it, knew it to be false. "Je scay assurance, Messieurs, que vous ne croiez pas ce que "vous publiez aux autres pour leur faire croire," &c. The fact, he tells them, was, that the queen, on the evening of a sultry day, had taken, with her attendants, the same walk through St. James's park and Hyde park, which she had often before taken with the king. As to the procession, the approaching to the gallows, the prayers, &c., they were all fictions invented by her enemies. See Bassompierre's answer. *Ibid.* 143, 146.

Dec. 12. ciously received by the monarch and loudly censured by the courtiers. He had compromised, it was said, the dignity of the French crown by not insisting on the full performance of the articles of marriage : and hints were circulated that he had been bought by the presents of Charles, or seduced by the flatteries of Buckingham. Whether the displeasure of Louis was real or assumed, may perhaps be questioned—he did not disavow the proceedings of his envoy—but to the request of Bassompierre that the English duke might revisit the French capital, with a view to a more complete reconciliation, he returned a hasty and indignant refusal*.

It is evident that in these instances the king of France was the party aggrieved : for the cause of the war which followed, we must discover some provocation in which he was the real or supposed aggressor. When Charles first solicited the hand of Henrietta, he clearly foresaw that by marrying one catholic princess he and his favourite would risk all that popularity, which they had earned by rejecting the other : but he trusted to silence the adversaries of the match by prevailing on Louis to join with him in opposing the house of Austria, and procuring the restoration of the Palatinate to his unfortunate brother-in-law. With this view the English negotiators had insisted that a treaty of alliance defensive and offensive should accompany the treaty of marriage : but they were outwitted by the arts or the duplicity of the French minister ; and when the subject was resumed after the nuptials, the proposal was at first evaded, at last peremptorily refused. Thus the king found himself

* Bassompierre, App. 139. 151. Rym. xviii. 801. MS. letter of Spada. The chief excuse for the non-performance of the article in favour of the Catholics, was, that it was signed merely for form sake, and to impose on the pope. It is true that this was suggested in the commencement of the treaty of the marriage ; but that before the signature of the king was affixed to the "*écrit secret*," on the 12th of December, it was understood to be binding, is evident from a letter of the earls of Carlisle and Holland of the 6th of November (Clarendon Papers, ii. App. xv.) ; and Charles himself ratified it two months after the marriage, on the 18th of July, when there could no longer be any necessity of imposing on the pope. *Memoirs of Bassompierre*, App. 133.

deprived of the benefit which he had anticipated from the match; and the proceedings in parliament convinced him that he had entailed on himself and his favourite the evil which he feared. Stung with the disappointment, and eager to regain his popularity, he determined to prove his attachment to the protestant interest by assuming the protection of the French protestants in opposition to their sovereign. The reader has seen that this project was at first defeated by the restoration of peace between Louis and his revolted subjects. Charles, however, came forward as mediator, though the French cabinet disclaimed his interference: still he promised the protestants to watch over the execution of the treaty, and assured them that he would employ the whole force of his kingdom in the preservation of their liberties, which were intimately connected with the interests of his own dominions.

In the two succeeding years the embarrassments of the king, as the reader will have noticed, increased a hundred fold. His pecuniary wants were multiplied; his parliament grew more stubborn; his plans for the recovery of the Palatinate were defeated by the reverses of his allies. The original cause of all these evils was, in his estimation, to be discovered in the perfidy of the French cabinet. Their refusal of the promised alliance had deprived him of the confidence of the nation, and had compelled him to sacrifice more than a million of money, more than 10,000 of his subjects in useless subsidies and expeditions*. In this temper of mind he lent a willing ear to the interested suggestion of an abbé, the emissary of the discontented party in France: Devic and Montague were despatched on a mission to the French protestants; and Soubize and Brancard were received as their accredited agents in England. The result of their combined counsels was, that Charles should send an army to La Rochelle, and that Rohan

* See the reply of the commissioners to Bassompierre, in the English Memoirs, Ap 141.

should join it with 4000 men: that the king should announce his determination to preserve the liberties of the reformed churches; and that the duke should summon his brethren to rally round the standard of their deliverer. Men, however, would not believe that the English monarch was actuated solely by religious zeal or personal resentment. Hints were thrown out of the establishment of a protestant state between the Loire and the Garonne; or of the creation of an independent principality in favour of Buckingham. That such delusions might haunt the day-dreams of the king and his favourite, is possible; but nothing more can be collected from their correspondence, than that their ostensible was not their principal object. There lay something behind, the disclosure of which might prove an obstacle to its accomplishment*.

On account of the war with Spain, letters of marque had been issued to the English cruisers, and the merchantmen of every nation were swept into the English ports, under the pretence that they might have Spanish property on board. The Hanse Towns, the states of Holland and the king of Denmark, remonstrated in the most forcible language; Louis did not merely remonstrate: to secure indemnification he laid an embargo on all English ships in the French harbours. A long and tedious succession of complaints and recriminations followed: promises were made and broken on both sides; and, as often as harmony seemed to be restored, it was again interrupted by some accidental seizure, or
 1627. pretended measure of precaution. At last both kings,
 April as if it had been by mutual compact, signed orders for
 28. the suspension of all commercial intercourse between the two nations†.

* Charles had sent away the Danish ambassadors well satisfied, but without discovering his intentions. "For," he adds, "I think it needless, or rather hurtful, to discover my main intent in this business, because divulging it, in my mind, must needs hazard it." Hardwicke Pap. ii. 18.

† Hym. xviii. 188. 222. 259. 802. 825. 860. 891. Du Mont, v. part ii. 506.

From the moment when Charles dismissed the queen's servants, the nuncio at Paris had not ceased to inflame the resentment felt by Louis and his mother, and to exhort them to make common cause with the king of Spain in revenging the insults which had been offered to both crowns. A still more cogent motive was supplied by the powerful armament collected in the English ports, of which the command had been recently given to the duke of Buckingham, for the purpose, as was given out in England, of aiding the cause of the Palsgrave, and of chastising the insolence of the Algerines. But these pretences obtained no credit: the only question was, whether the object of the expedition might be to act against Spain, and wipe away the disgrace of the late unsuccessful attempt upon Cadiz; or to act against France, and light up again the flames of religious war in the southern provinces. Under this uncertainty Richelieu and Olivarez listened to the admonitions of the pontiff, and a treaty of alliance was concluded, April 10. which provided that during the current year the Spanish ships of war should be received in the French ports, and should in return afford protection to the French navy; and that in the course of the next year both powers should unite their forces, and make a descent on some part of the British islands. The first part was easily adjusted, because it offered present and reciprocal benefit: the second was postponed to a later period on account of the distrust which each cabinet entertained of the other*.

At length Buckingham sailed. His fleet consisted of forty-two ships of war, and thirty-four transports; the land army of seven regiments of 900 men each, a squadron of cavalry, and a numerous body of French protestants. In a few days he appeared before La Rochelle: but the secrecy with which he had veiled his destination marred his object. The Rochellois were taken by surprise. It was in vain that Soubize and sir William Beecher argued, and entreated, and protested:

* MS. despatches of Spada, 15, 26 Feb., 19 May.

the inhabitants were alarmed at the sight of so formidable an armament, and feared that if it were admitted within the harbour, they should find in Buckingham a master instead of an ally. They answered that they could make no demonstration of hostility till they had collected the harvest, and consulted the other churches of the union.

- During this short negotiation Buckingham had directed his attention to the neighbouring islands of Rhé and Oleron, the first of which offered the richer reward, the other the more easy conquest. On the return of the envoys he made his choice: a descent was effected on the isle of Rhé, and the enemy learned in a short, but sanguinary action, to respect the courage of
- July 12. the invaders. The governor Toiras was unprepared; but the English commander, whether it was through ignorance or incapacity, loitered five days on the same spot, and the Frenchman improved the delay to provision the castle of St. Martin, his principal fortress, strongly situated on a rocky eminence at the bottom of
17. the bay. It was resolved to besiege it in form: trenches were dug, batteries raised, and a boom was thrown across the entrance of the harbour. These works excited the disapprobation and remonstrance of Burrough, a general officer, who had spent the better part of his life in the wars of Flanders: but his freedom was chastised with a reprimand which silenced his more obsequious colleagues in the council. Before the end of the siege a random shot deprived Burrough of life, and liberated Buckingham from the control of an able but unwelcome adviser.

The news of this unexpected enterprise created alarm and embarrassment in the States, in the prince Palatine, and the king of Denmark. They bitterly complained to Charles that their hopes and resources were extinguished by this unhappy contest between their two most powerful allies; nor would they admit of the validity of his reasonings, that honour compelled him to take up

arms in defence of the French protestants, whose privileges, confirmed to them under his mediation, had been recently infringed. They offered their good services to restore the former harmony between the two crowns : he replied, that though he should not refuse, he would not seek, a reconciliation. The ambassadors of Denmark hastened to Paris to sound the disposition of the French ministry ; the Hollanders deprived of their commissions all the English officers in the Dutch service, who had joined the expedition *.

In the mean time Buckingham published a manifesto in vindication of his proceedings. He declared that the king of Great Britain had no intention of conquest ; that he had taken up arms not as a principal in the war, but as an ally of the churches of France. Charles had mediated the peace between Louis and his protestant subjects ; he had guaranteed to the latter the faithful observance of the articles, and the grant of additional favours. Yet Fort Louis, in the vicinity of La Rochelle, had not been dismantled ; plots for the surprise of the town had been encouraged, and a secret resolution had been taken to reduce it by open force. In such circumstances the king could not sit a quiet spectator of the ruin of his protestant brethren. Honour bound him to vindicate their rights and liberties by arms : otherwise he might have been accused of aiding to deceive those whom it was his interest and his duty to protect †.

With this declaration in his hand, a declaration of which the grounds were questionable, the reasoning inconclusive, Rohan visited the churches in the south of France. His presence and his harangues excited a general enthusiasm throughout the union : all who refused to swear that they would live and die with the English, were pronounced traitors to their religion ; and Rohan received authority to raise forces, and to employ them for the benefit of the common cause. The Rochel-

* Hardwicke Papers, ii. 17. 19. Carleton's Letters, xv--xix.

† Bibliotheca Regia, 224--239.

lois were the last who declared themselves. The menacing attitude of the army which Richelieu had collected in their neighbourhood inspired a salutary terror: it was with difficulty removed by the combined assurances of Buckingham and Rohan; and the standard of revolt floated for the last time upon their walls*.

Little of interest occurred in the isle of Rhé before the eleventh week of the siege, when a flotilla of fourteen sail burst through the boom, and revictualled the fortress.

- Sept. This untoward event depressed the spirits of the
28. besiegers. The colonels unanimously signed a paper, advising an immediate retreat: while the deputies from La Rochelle conjured the duke with tears not to abandon them to the vengeance of their sovereign. He wavered from one project to another. This day he cannonaded the walls; the next he dismounted the batteries. He
Oct. 28. received a reinforcement of 1500 men; the Rochellois added 800 more: a general assault was ordered; and the failure of the attempt, with the loss of the assailants, augmented the despondency of the troops, and induced the general to abandon the enterprise.

- It was, however, no longer an easy matter to depart. Marshal Schomberg, with a numerous corps, had interposed between the camp and the place of embarkation; and the army was compelled to march along a narrow
29. causeway, which led across the marches to the bridge, connecting the small isle of Oie with that of Rhé. Unfortunately the cavalry, which covered the retreat, was broken by the enemy: the confusion on the causeway became irreparable; and the number of the drowned exceeded that of the slain. Buckingham is said to have lost 1200 men and twenty pair of colours on that day. The French, however, were unable to force a passage over the bridge, and the remnant of the army embarked without molestation. The duke was the last to leave the beach: personal courage proved to be the only

* *Supplement au Traité dogmatique et historique des edits*, 507.

military qualification, with the absence of which he was Oct.
not reproached by his opponents *. 30.

Charles received the unfortunate general with a cheerful countenance and undiminished affection. He had even the generosity to transfer the blame from Buckingham to himself, and to give out, that the failure was owing to the want of supplies, which it was his own duty to have provided. But in a few days he was assailed by the complaints and entreaties of the Rochellois. At his solicitation they had risen in arms, he was bound in honour to afford them protection; the French army was ready to form the siege of the town, and without powerful aid they must become the victims of their credulity. Charles consoled and encouraged them; he promised never to abandon their cause till the forts erected around La Rochelle were razed to the ground; he bound himself by a solemn instrument to enter into 1628
no treaty to which they were not parties, and to accept Jan.
of no conditions which did not secure to them the enjoy- 18.
ment of their ancient liberties †.

The king now called on his council to determine the important question, by what means money might be raised for another expedition, whether in the ancient way, by grant of parliament, or according to the precedent of the last year, by virtue of the prerogative. From parliament Charles anticipated nothing but petitions, remonstrances, and impeachments: in a forced loan his advisers saw a strong provocation to resistance and rebellion. He suffered himself to be persuaded, and a 29.
parliament was summoned; but in the course of the week a new plan obtained the royal approbation. The sum of 173,411*l.*, the charge for the outfit of the intended expedition, was apportioned among the several

* Hardwicke Papers, ii. 13—20. 23—51. *Mercurio Francoisi*, xiii. 835. Herbert, *expeditio in Ream Insulam*. Isnard, *Arcis Sam. Martinianæ Obsidio*. Ellis, iii. 251. *Strafford Papers*, i. 41. Louis at the request of his sister Henrietta dismissed on their parole lord Mountjoy, colonel Grey, and the other officers, who had been made prisoners. *Mercurio*, xiv. Nov.

† Du Mont, v. part ii. 538.

- counties; commissioners were appointed to collect it within the space of three weeks; and the people were admonished, that, if the money were dutifully paid, the king would meet the parliament; if not, "he would think of some more speedy way." This attempt threw the whole nation into a ferment. The expression of the public discontent appalled the boldest of the ministers; and the commission was revoked by proclamation, with a promise, "that the king would rely on the love of his people in parliament." Yet a fortnight did not elapse before he imposed new duties on merchandise by his own authority, and then recalled them on the declaration of the judges, that they were illegal*. Such vacillating conduct, the adoption and rejection of such arbitrary measures, served only to excite in the nation two different feelings, both equally dangerous to the sovereign, disaffection and contempt.

Never before had parliament assembled under auspices more favourable to the cause of freedom. The sense of the nation had been loudly proclaimed by the elections, which had generally fallen on persons distinguished by their recent opposition to the court: it was the interest of the lords to co-operate with men who sought the protection of private property and personal liberty; and the same necessity, which had compelled the king to summon a parliament, placed him without resource at the mercy of his subjects. Charles himself saw the propriety of sacrificing his resentments, that he might propitiate the public feeling. All the gentlemen, seventy-eight in number, who, on account of their resistance to the forced loan, had been put under restraint, recovered their liberty; archbishop Abbot (he lay under suspension for refusing to license, at the king's command, a political sermon †) was restored to

* Somers' Tracts, iv. 100—104. Prynne, Hidden Works, 86. Bib. Regia, 294. Rym. xviii. 967.

† This sermon had been preached by Dr. Sibthorpe, at the Lent assizes at Northampton, and had for its object to prove the legality of the forced

the exercise of his authority; and not only Williams, whom Buckingham's resentment had consigned to the Tower, but even that obnoxious nobleman the earl of Bristol, though under an impeachment of high treason, received permission to take their seats in the upper house. Yet the obstinacy of the king was not subdued: though he had consented to make the trial of a new parliament, he was not prepared to yield to its pretensions; and his speech from the throne was calculated more to irritate than to allay the jealousy of those who trembled for the liberties of their country. "I have ^{Mar.} called you together," he said, "judging a parliament '17. "to be the ancient, speediest, and best way to give such supply as to secure ourselves and save our friends from imminent ruin. Every man must now do according to his conscience: wherefore if you (which God forbid) should not do your duties in contributing what this state at this time needs, I must, in discharge of my conscience, use those other means which God hath put into my hands, to save that which the follies of other men may otherwise hazard to lose. Take not this as threatening, (I scorn to threaten any but my equals,) but as an admonition from him, that both out of nature and duty hath most care of your preservations and prosperities *."

Warned by these words of the temper of their sovereign, the leaders of the country party conducted their proceedings with the most consummate address. They advanced step by step, first resolving to grant a supply, then fixing it at the tempting amount of five subsidies; and, lastly, agreeing that the whole should be paid within the short space of twelve months. But no art, no entreaty, could prevail on them to pass their resolu-

loan. To give it greater authority, it was wished to have it printed with the license of the metropolitan. On his refusal, it was licensed by Dr. Laud, now made bishop of London, and Abbot was suspended or sequestered on the 9th of October. See the sentence, with his own narrative of the proceedings, in Rushworth, i. 435—461.

* Journals, 687.

tion in the shape of a bill. It was held out as a lure to the king; it was gradually brought nearer and nearer to his grasp; but they still refused to surrender their hold; they required, as a previous condition, that he should give his assent to those liberties which they claimed as the birthright of Englishmen.

In the last year five of the prisoners on account of the loan had been, at their own request, brought, by writ of habeas corpus, before the king's bench. As the return, though it stated that they had been committed at the especial command of the king, assigned no particular cause, their counsel contended that they ought to be discharged, or at least admitted to bail: but the court refused to allow the exceptions taken in their favour, and remanded them to their respective prisons*. This subject was taken up in the house of commons, and the four following resolutions were passed, without a dissenting voice, even on the part of the courtiers: 1°. that no freeman ought to be restrained or imprisoned, unless some lawful cause of such restraint or imprisonment be expressed: 2°. that the writ of habeas corpus ought to be granted to every man imprisoned or restrained, though it be at the command of the king or of the privy

April council, if he pray for the same: 3°. that when the return expresses no cause of commitment or restraint, the
3. party ought to be delivered or bailed: 4°. that it is the ancient and undoubted right of every freeman, that he hath a full and absolute property in his goods and estate, and that no tax, loan, or benevolence ought to be levied by the king or his ministers, without common consent by act of parliament†.

The power of arresting and confining, without designation of cause or intention of trial, was an engine of such powerful efficacy in the hands of government, that the king determined not to surrender it without a struggle: and since it had been frequently exercised by

* Rushworth, i. 462—6.

† Journals, April 3. May 8. 26. June 10. 21.

his predecessors, he chose it, as the most proper question on which he might try his strength in the house of lords. When the resolutions were brought before them, the point was argued by the attorney general and king's counsel, on the part of the crown, and by several of the members of the lower house on that of the commons. The controversy ultimately resolved itself into this question: Was it requisite, in the case of a commitment by the king, that the cause should appear on the face of the warrant? The pleadings occupied several days, and much ingenuity and learning were displayed by the contending advocates. To me, if a person unacquainted with the subtleties and obscurities of the law may venture to pronounce an opinion, it appears that the weight of precedent, as well as of argument, lay in favour of the resolutions*.

It would fatigue the patience of the reader to detail the numerous expedients by which Charles, during the space of two months, laboured to lull the suspicions, or exhaust the perseverance of his opponents. At length May they solicited his assent to the celebrated petition of 28. right. It began by enumerating the following abuses of the sovereign authority: 1°. that, contrary to magna charta and several other statutes, freemen had been required to lend money to the king, and on their refusal

* The pleadings occupy more than thirty pages in the Journals, 717—731. 746—763. One argument adduced in favour of the crown by the attorney general is deserving of notice. He told the lords, that in the reign of Elizabeth, "O'Donnel, an arch-rebel in Ireland, was slain, and his sons, being then infants, were brought over to England, committed to the Tower, and lived there all their lives after. Now," he asks, "admit that these were brought to the king's bench by habeas corpus, and the cause returned, what cause could there be which would hold good in law? They themselves neither had done, nor could do, any offence. They were brought over in their infancy: yet would any man say that it were safe, that it were fit, to deliver such persons?" This argument discloses an instance of that cruel despotism which was occasionally exercised by Elizabeth's ministers: but what will the reader think of the unfeeling bigotry of sir Edward Coke, who, in his reply to the attorney general, noticing this argument, says, "O'Donnel's children lost nothing by being confined all their lives in the Tower. They were brought up protestants: had they been discharged, they would have been catholics, Perissent, nisi perissent!" Journals, 756. 761.

had been molested with oaths, recognizances, and arrests; 2°. that several persons had been committed to restraint by command of the king, and when they were brought before the judges by writs of habeas corpus, had been remanded, though no cause of commitment were assigned; 3°. that in many places soldiers had been billeted in the private houses of the inhabitants, to their great grievance and molestation; 4°. and that several commissions had been issued, empowering certain persons to punish, by the summary process of martial law, the offences committed by soldiers, mariners, and their accomplices, though these offences ought to have been investigated and tried in the usual courts of law. It then prayed, that all such proceedings should cease, and never afterwards be drawn into precedents, "as being contrary to the rights and liberties of the subject, and the laws and statutes of the nation*."

Charles was at a loss what answer to return. To refuse was to forfeit the five subsidies, and to condemn himself to a state of irremediable want; and to assent was in his opinion to surrender his most valuable rights—to throw away the brightest jewels in his crown. He resolved to dissemble; and his subsequent conduct during the session was formed on a studied plan of hypocrisy and deceit. He ordered the following answer to be written under the petition, in lieu of the accustomed
 June form: "The king willeth that right be done according
 2. "to the laws and customs of the realm, and the statutes
 "be put in due execution; that his subjects may have
 "no cause to complain of any wrong or oppression con-

* Commons, April 28.—June 2. Lords, 768—835. At the same time the commons prosecuted Dr. Manwaring for three political sermons, two preached before the king, and the third in the parish church of St. Giles'. In these he had represented him not as a limited but an absolute monarch. The lords condemned Manwaring to imprisonment during the pleasure of the house, to a fine of 1000*l.*, to make his submission personally at the bars of both houses, to be suspended for three years, and to be deemed incapable of holding any office, ecclesiastical or civil, or of ever preaching again before the court. Journals, 848. 853. 855. 870. Commons, May 14. June 4. 11. 14. 21. Yet Charles gave him an additional rectory, and seven years later made him bishop of St. David's.

"trary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative*."

To the patriots, whose hopes had been wound up to the highest pitch, this answer, so evasive and obscure, proved a cruel disappointment. They indulged in the most passionate invective. One saw in it the hand of June God visibly chastising the sins of the people; another^{5.} called on the house to save the nation tottering on the brink of ruin; a third was on the point of naming a certain favourite, when the speaker, starting from the chair, forbade him to proceed, because the king had commanded him, on his allegiance, to prevent such insinuations. A deep and mournful silence ensued; it was broken by sir Nathaniel Rich; Rich was followed by Philips, Prynne, and Coke, with speeches strongly expressive of their feelings, and repeatedly interrupted by their tears. The house at length ordered the doors to be locked, and resolved itself into a committee, to consult on the means of saving the nation. But the speaker, having obtained leave of absence, hastened to the king; and after a conference of three hours, returned with orders for an immediate adjournment. Had he come a few minutes later, Buckingham would have been voted the "grievance of grievances," the chief cause of all the calamities which afflicted the kingdom†.

The next day the debate was resumed; on the third^{6.} the house, at the suggestion of the lords, joined in an address to the king for a more explicit answer to their^{7.} petition. The danger of his favourite had overcome his reluctance. Taking his seat on the throne, he ordered the former answer to be cut off, and the following to be subscribed: "Let right be done as is desired." "Now," he added, "I have performed my part. If this parliament have not a happy conclusion, the sin is yours. I am free of it." This short speech was received with

* Journals, 835.

† Rushworth, i. 613—622. Journals, June 5.

loud and grateful acclamations. The people partook of the feelings of their representatives ; to the gloom which had overspread the country succeeded a delirium of joy and congratulation ; and the two houses, to testify their satisfaction, hastened to present to their sovereign the five subsidies of the laity, and to pass the bill for five other subsidies granted by the clergy*.

- By moderate men it was hoped that the patriot leaders, content with this victory, would spare the king any additional mortification. But success enlarged their views, and invigorated their efforts. After several long debates, June they presented to him a remonstrance, describing the
 17. evils which afflicted, and the dangers which threatened, the kingdom. Religion was undermined by popery and arminianism ; the reputation of the country had been tarnished, and its resources exhausted by a series of unadvised and inglorious expeditions ; the dominion of the narrow seas was lost, the shipping of the kingdom diminished, its trade and commerce annihilated. Of these evils, the principal cause, in their opinion, was the excessive power exercised and abused by the duke of Buckingham. Wherefore, they humbly submitted to the consideration of his majesty, whether it were consistent with his safety, or the safety of the realm, that the author of so many calamities should continue to hold office, or to remain near his sacred person †.

- The country party were fully aware of the angry feelings which such a remonstrance would awaken in the royal breast : but the vote of tonnage and poundage had not yet passed ; and it was supposed that Charles would submit to any concession rather than forfeit the most
 25. productive branch of the revenue. They soon learned their mistake, and hastily framed a second address, to remind him, that by the petition of right he was precluded from levying duties on merchandise, without the
 26. previous consent of parliament. It had just been en-

* Journals of Lords, 843 ; of Commons, June 6, 7, 8, 12.

† Rushworth, i. 661. Journals, 11. 14. 16. 17.

grossed, and the clerk was employed in reading it at the table, when at nine in the morning, they received a summons to attend in the other house. Charles was seated on the throne. Adverting to the purport of their intended address, he took occasion to explain away all that he had appeared to concede in the petition of right. "Both houses," he observed, "professed that they meant not to intrench on my prerogative. Therefore, it must needs be conceived, that I have granted no new, but only confirmed the ancient, liberties of my subjects. Yet I do not repent, nor recede from any thing I have promised; and I here declare, that those things whereby men had cause to suspect the liberty of the subject to be trenched upon, shall not hereafter be drawn into example for your prejudice. But, as for tonnage and poundage, it is a thing I cannot want, and was never intended by you to ask, and never meant (I am sure) by me to grant." He then gave the royal assent to the bills of subsidy, and instantly prorogued the parliament*.

Thus ended this eventful session, one of the most memorable in our history. The patriots may have been occasionally intemperate in their warmth, and extravagant in their predictions; but their labours have entitled them to the gratitude of posterity. They extorted from the king the recognition of the rights which he had so wantonly violated, and, by depriving of force the precedents alleged in defence of such violation, fixed on a firm and permanent basis the liberties of the nation. It is, indeed, true, that these liberties were subsequently invaded—that again and again they were trampled in the dust. But "the petition of right" survived, to bear evidence against the encroachments of the prerogative. To it the people always appealed; to it the crown was ultimately compelled to submit.

It must not, however, be forgotten, that these men, so

* Journals of Lords, 879; of Commons, June 25, 26. Rushworth, i. 640—643.

eager in the pursuit of civil, were the fiercest enemies of religious freedom. "What illegal proceedings," exclaimed sir Robert Phillips, "our estates and persons have suffered under, my heart yearns to think, my tongue falters to utter. They have been well represented by divers worthy gentlemen before me. Yet one grievance, and the main one as I conceive, hath not been touched, which is, our religion: religion made vendible by commission, and men for pecuniary annual rates dispensed withal, whereby papists may, without fear of law, practise their idolatry, scoff at parliaments, law and all." The result of this and of similar harangues, was a petition to the king, which, besides the accustomed prayer for the execution of the

Mar. 31. penal laws, begged that priests returned from banishment might be put to death, that compositions for recusancy, that "mystery of iniquity amounting to a concealed toleration," might be abolished, and that "for the clear eradication of popery, and the raising up of a holy generation, the children of recusants might be educated in the principles of protestantism." Charles returned a gracious answer, observing, that if he had hitherto granted indulgence to the catholics, it was with the hope that the catholic princes would extend similar indulgence to their protestant subjects; and that, if he did not soon meet with such a return, he would even add to the severity of that treatment, which had now been recommended by the two houses*.

Before I dismiss the history of this session it may be proper to notice two instances of political apostacy, of that dereliction of principle for the sake of rank or office, which, since this period, has been so frequently imitated by public men. In former times the crown disdained to purchase the services of its opponents: it was able to bear them down to the ground by the sole weight of the prerogative. But experience had taught the

* Journals, 713, 714. Rush. i. 210—212.

favourite that the temper of the times and the power of the sovereign were changed ; and, in order to break the strength of his adversaries, he sought to seduce the most efficient members from their ranks, by the lure of honours and emoluments. Sir John Savile and sir Thomas Wentworth were men of considerable property in Yorkshire : they had long been rivals, and by their influence divided the county between them. Both had tasted of the royal favour, and both had incurred the royal resentment. At the close of the last parliament, Cottington had induced Savile to desert his friends, and to accept the rank of privy councillor, with the office of comptroller of the household. Wentworth had more deeply offended. He had been appointed sheriff, to prevent his sitting in the house, had been deprived of the office of *custos rotulorum*, and had been imprisoned for his refusal to subscribe to the loan. Yet his patriotism was not proof against the smile of the sovereign. He solicited a reconciliation with Buckingham, and soon after the prorogation it was effected, through the agency of sir Richard Weston. On one day Savile was created July a baron, on the next Wentworth was raised to the same 21. dignity ; but the abilities or flattery of the latter gave 22. him the victory over his competitor ; and by the end of Dec. the year he obtained, with the rank of viscount, the 10. office of lord president of the north*.

The contestations in which Charles was engaged with his parliament did not render him unmindful of the danger of La Rochelle. The French minister had resolved to reduce a race of men, who for half a century had braved the authority of the sovereign ; and for this purpose he had collected all the power of France to bear at once upon the devoted town. Louis himself, and during the absence of Louis, Richelieu, commanded the siege. Two armies were employed to cut off all communication with the protestants of the interior, and a

* Rym. xix. 34, 35. Strafford Papers, App. 430.

mole of stupendous magnitude, which daily advanced from the opposite sides towards the middle of the harbour, threatened in a short time to exclude the expected succours from England. The Rochellois importuned the king with representations of their present misery, and predictions of their approaching ruin; shame and pity urged him not to abandon those who had precipitated themselves into danger through confidence in his promises; and the earl of Denbigh, with a numerous fleet, sailed from Plymouth to their relief. The merit of Denbigh consisted in his marriage with a sister of the favourite; perhaps he only held the command till the prorogation would allow it to be assumed by Buckingham; at least he attempted nothing, but having remained seven days in presence of the enemy, returned to England.

- June On the same day on which Buckingham had been
 13. pronounced the cause of the national calamities in the house of commons, Dr. Lamb, his physician and dependent, was murdered by a mob in the streets of London. Soon afterwards a placard was affixed to the walls, in these words, "Who rules the kingdom? The king. "Who rules the king? The duke. Who rules the "duke? The devil. Let the duke look to it, or he "will be served as his doctor was served." He had too much spirit to notice such a menace. The fleet was victualled and reinforced; a more numerous body of troops embarked; and Buckingham hastened to take the command*.

But, notwithstanding these preparations, his object was not to fight, but to negotiate. The continental allies of the two sovereigns viewed with real concern the prolongation of a contest, which served to no other purpose than to confirm the Austrian ascendancy in the empire. The task of commencing a reconciliation was entrusted to the Venetian ambassadors at the two courts.

* Ellis, iii. 252. Kennet, iii. 45. Rushworth, i. 630.

They found each monarch willing to admit, but too proud to propose, an accommodation. Expedients were suggested to meet the difficulty: Charles and the duke held repeated conferences with the ambassador; and it was agreed that Buckingham should sail with the expedition to La Rochelle, that he should open a correspondence on some irrelevant subject with Richelieu; and that this should lead, by accident as it were, to a public treaty. His instructions were drawn and delivered to secretary Carleton, who arrived with them at Portsmouth just in time to witness his assassination*.

In the morning, after a sharp debate with some of the French refugees, the duke left his dressing-room to proceed to his carriage. He had entered the hall, when colonel Friar whispered in his ear. He turned to listen, and at the moment received a wound in the left breast from a knife, which was left sticking in his heart. Exclaiming the word "villain," he plucked it out, staggered backwards a few steps, and, falling against a table, was caught in the arms of his attendants. They thought it had been a stroke of apoplexy: but the blood which gushed from his mouth and from the wound convinced them of their mistake. The noise was heard by the duchess in her bed-chamber. With his sister, the countess of Anglesea, she ran into the gallery, and saw her lord below, weltering in his blood.

In the confusion which followed it was with difficulty that the French gentlemen escaped the vengeance of those who suspected them of the murder. The real assassin slunk away to the kitchen, where he might have remained unnoticed in the crowd, had he not on a sud-

* Carleton's Letters, xxi. I may here mention a most singular treaty recently concluded between Buckingham and the king of Sweden. When the duke was in Spain, he had received, from a discontented Spanish secretary, a plan to seize the island of Jamaica, and to discover certain gold mines in the mountains, and on the American continent. Gustavus Adolphus bound himself to support Buckingham in his conquest, and to acknowledge him for an independent prince, on condition that he and his heirs for ever should pay to the kings of Sweden one-tenth part of the produce of the mines. Signed Mar. 8, 1628. Clarendon Papers, i. 18.

den alarm drawn his sword and exclaimed, "I am the man." He would have met with the death which he sought, had not Carleton and Marten saved his life, that they might inquire into his motives and discover his accomplices. About his person was found a paper, on which he had written, "That man is Cowardly base and deserveth not the name of a gentleman or Souldier that is not willinge to sacrifice his life for the honoꝛ of his God his Kinge and his Countrie. Lett noe man commend me for doeing of it, but rather discommend themselves, as the cause of it, for if God had not taken or harts for or sinnes he would not haue gone so long unpunished. Jo felton."

He said that his name was Felton; that he was a protestant, that he had been a lieutenant in the army, but had retired from the service, because on two occasions junior officers had been advanced over his head, and the sum of eighty pounds, the arrears of his pay, had been withheld; and that the remonstrance of the house of commons had convinced him that Buckingham was the cause of the national calamities, and that to bereave him of life was to serve his God, his king, and his country. When he was told that the duke still lived, he answered with a sarcastic smile, that it could not be, the wound was mortal; to those who reproached him with the guilt of murder he replied, that "in his soul and conscience he believed the remonstrance to be a sufficient warrant for his conduct;" and, being asked who were his instigators and accomplices, he exclaimed, that the merit and the glory were exclusively his own. He had travelled seventy miles to do the deed, and by it he had saved his country. Otherwise he felt no enmity to the duke. Even as he struck he had prayed, "May God have mercy on thy soul*."

* We have several accounts of the duke's assassination by his contemporaries. See Clarendon, i. 97. Howell's Letters, 203. Wotton's Reliques, 113. I have preferred that by secretary Carleton, who was present. It has been lately published by Mr. Ellis, in his valuable collection of ori-

Thus perished, at the early age of six-and-thirty, George Villiers, duke of Buckingham, lord high treasurer of England. That, in addition to a graceful person, he possessed many fascinating qualities, is evident from the hold which he retained on the affections of two succeeding monarchs, whose partiality was never satisfied with heaping upon him wealth, and offices, and honours. But his abilities were not equal to his fortune: nor had he the wisdom to supply the deficiency by the aid of an able and disinterested counsellor. Proud of the attachment of his sovereign, he scorned to seek a friend among his equals; and the advisers whom he met at the council-board and in his closet were his own dependents, men who, as they existed by the smile, were careful to flatter the caprice, of their patron. Hence he persevered in the same course to the end, urging the king to trample on the liberties, braving himself the indignation, of the people. But he had already passed the meridian of his greatness; the commons had pronounced him the bane of his country; and it is doubtful whether the power of Charles could have screened him from the keen pursuit of his enemies. If he had escaped the knife of the assassin, he would perhaps have fallen by the axe of the executioner.

The king, who lay at a private house in the neighbourhood of Portsmouth, received the announcement of this tragic event with a serenity of countenance which, in those who were unacquainted with his character, excited a suspicion that he was not sorry to be freed from a minister so hateful to the majority of the nation. But Charles lamented his murdered favourite with real affection. If he mastered his feelings in public, he indulged them with greater freedom in private; he carefully

ginal letters, iii. 256—260. For the correct copy of Felton's paper I am indebted to Mr. Upcott, of the London Institution, whose valuable collection contains the original document. At the foot of it is written, in another hand, but evidently at the very time, "A note found about Felton "when he killed the duke of Buckingham, 23d Aug. 1628."

marked and remembered the conduct of all around him; he took the widow and children of Buckingham under his special protection; he paid his debts, amounting to 61,000*l.*; he styled him the martyr of his sovereign, and ordered his remains to be deposited among the ashes of the illustrious dead in Westminster abbey*.

- Sept. The assassin, though repeatedly interrogated, persisted
 17. in his former story, that he had no associate, that patriotism had guided his arm, and that religion sanctioned the stroke. When the earl of Dorset threatened him with the torture, "I am ready," he replied; "yet I must tell you by the way, that I will then accuse you, my lord of Dorset, and no one but yourself." Charles was desirous that he should be put on the rack—but the late
 Nov. proceedings in parliament had taught the judges a salutary lesson, and they unanimously replied that torture
 13. was not justifiable, according to the law of England. At
 27. the bar Felton pleaded guilty; and, stretching out his arm, exclaimed, "This is the instrument which did the fact—this I desire may be cut off before I suffer." He was told by the court that he should have the law, and
 29. must be satisfied. He underwent the usual punishment of murder, confessing his delusion, and condemning his offence†.

- The king did not allow his grief for the death of Buckingham to withdraw his attention from the danger of La
 Sept. Rochelle. The command was given to the earl of Lindsey, and with him sailed Walter Montague, on a secret
 10. mission to the king of France. For five days the fleet manœuvred in front of the port, and, after two ineffectual
 18. attempts to force an entrance, returned to Spithead.
 23. Montague had landed, was introduced to Louis, hastened

* Clarendon, i. 30. Ellis, 259. His body, to prevent insult, was buried privately in Westminster abbey, on September 17th. The next night, at ten, an empty coffin was borne on the shoulders of six men from Wallingford house to the church, and followed by one hundred mourners. The whole way was lined by the trained bands. Ellis, 264, 265.

† Rush. i. 651. 2, 3. Howell's State Trials, ii. 367. Ellis, 266, 267, 273—281.

back to London, and was preparing to return, when La Rochelle surrendered at discretion. To the French monarch the reduction of this town was a glorious and beneficial achievement: it put an end to that kind of independent republic which the professors of the reformed creed had erected in the heart of France, and enabled him to consolidate his extensive dominions into one powerful empire. To the king of England it furnished a source of regret and self-accusation. If one of the strongest bulwarks of the protestant interest had fallen, his was the blame, on him would rest the disgrace*.

The nation had scarcely recovered from this shock 1629: when the parliament re-assembled. The king, by mes- Jan. sage, ordered the commons to take the bill for tonnage and poundage into immediate consideration; but the patriots demanded the precedence for grievances—the saints for religion. The last succeeded; and it was resolved that the “business of the king of this earth should give place to the business of the King of heaven.” 20.

In religion danger was apprehended from two sources, popery and Arminianism. Of the growth of popery an alarming instance had recently appeared. Out of ten individuals arraigned on the charge of having received orders in the church of Rome, only one had been condemned, and even his execution had been respited. Two committees were appointed, one to inquire on what grounds the judges had refused to accept a portion of the evidence tendered at the trial, another to interrogate the attorney-general by whose authority he had discharged the persons acquitted, on producing bail for their future appearance. It was ordered in addition that each member should communicate to the house every fact which had come to his knowledge respecting

* *Mercure François*, xiv. 676. *Rush*, i. 647. *Ellis*, iii. 274. The Montague here mentioned was Walter, second son of the earl of Manchester. He afterwards embraced the catholic religion, was made commendatory abbot of Portoise, and a member of the council to the queen regent, Anne of Austria. He attended her at her death.

attempts or warrants to stay the execution of the laws against priests or recusants in the country.

But Arminianism, the spawn of popery as it was termed, had become a subject of greater alarm than popery itself. It was observed that Arminian prelates frequented the court; that the royal favour shone exclusively on Arminian clergymen; and that Montague, obnoxious as he was on account of the Arminian tendency of his works, had been raised to the bishopric of Chichester. In addition, Charles, as supreme governor of the church, had lately published an authorized edition of the articles, containing the much-disputed clause, "the church hath power to decree rites and ceremonies, "and hath authority in matters of faith;" and he had ordered that no doctrine should be taught that differed from those articles, that all controversies respecting outward policy should be decided by the convocation, and that no man should presume to explain the article respecting justification contrary to its obvious meaning, or to take it in any other than the literal and grammatical sense*. Against this declaration sir John Elliot protested in the most enthusiastic language. It was an attempt to enslave the consciences of the people, to make men dependent for their belief and worship on the pleasure of the king and the clergy. He called on the house to record its dissent; and at his persuasion an entry, styled "a vow," was made on the journals, that the commons of England "claimed, professed, and avowed for "truth, that sense of the articles of religion, which were "established in parliament in the 13th year of Queen "Elizabeth, which, by the public acts of the church of "England, and by the general and current exposition of "the writers of that church, had been declared unto "them, and that they rejected the sense of the Jesuits, "Arminians, and of all others, wherein they differed "from it †." It is plain that the language of this

* Bibliotheca Regia, 213.

† Journals, Jan. 29. The 13th of Elizabeth was selected for this reason.

“vow” left the sense of the articles just as doubtful as it was before.

While the zealots laboured to inflame the religious prejudices of their colleagues, the patriots solicited the attention of the house to the petition of right. The king’s printers had prepared for sale fifteen hundred copies of that important document; but Charles ordered them to be destroyed, and substituted another edition, in which the royal assent was suppressed, the evasive answer, which he had been compelled to cancel, was preserved, and the sophistical explanation which he had given at the close of the last session was introduced. What could prevail on the king to employ an artifice so unworthy of an honest man, and yet so easy of detection, is uncertain. It branded his character with the stigma of duplicity; it taught his subjects to distrust his word, even in his legislative capacity. The orators in the commons fearlessly expressed their indignation; and Charles himself, repenting of his folly, sought an opportunity of appeasing the storm which his imprudence had raised. “The complaint,” he observed, “of staying men’s goods for tonnage and poundage may have a short and easy conclusion. By passing the bill, as my ancestors have had it, my past actions will be concluded, and my future proceedings authorized. I take not these duties as appertaining to my hereditary prerogative. It ever was, and still is, my meaning, by the gift of my subjects to enjoy the same. In my speech at the end of last session I did not challenge them as of right, but showed you the necessity by which I was to take them, till you had granted them, assuring myself that you wanted only time, and not good will. So make good your professions, and put an end to all questions arising from the subject.” This conciliating speech extorted a passing murmur of applause.

the legislature had ordered the clergy to subscribe the articles, and to read them in the churches, and yet neither the English nor the Latin edition of that year contained the clause respecting the authority of the church.

- But the patriots had formed their resolution, and adhered to it with the most inflexible pertinacity. They did not, indeed, refuse to vote the duties, but they required, as a previous condition, reparation to the merchants, whose goods had been attached by the officers of the customs. With this view, they sent a message to the chancellor and the barons of the exchequer, who, to excuse the judgments which they had given, replied, that the parties aggrieved were not barred from their remedy by due course of law. For the same purpose, they summoned before them the farmers
- Feb. of the customs: but secretary Cook declared that the
23. king would not separate the obedience of his servants from his own acts, nor suffer them to be punished for executing his commands. At these words loud cries were heard from the leaders of the opposition, and the house immediately adjourned.
- Mar. At the next meeting, sir John Elliot commenced a
2. most passionate invective against the whole system of government, but was interrupted by the speaker, who informed the house that he had received an order of adjournment from the king. It was replied, that by delivering the message he had performed his duty; and he was now called upon to put to the vote a remonstrance against the levy of tonnage and poundage without the consent of parliament. He refused, and rose to depart: but was forcibly held back by Holles and Valentine, two members, who had purposely placed themselves on each side of the chair. He made a second attempt: the court party hastened to his aid; their opponents resisted; blows were exchanged, the doors locked, and the speaker, notwithstanding his tears, struggles, and entreaties, was compelled to remain sitting. Elliot resumed his harangue, and was followed by Holles, who pronounced, for the approbation of the house, the following protest: 1. "whosoever shall seek to bring in "popery, Arminianism, or other opinions, disagreeing "from the true and orthodox church, shall be reputed a

“capital enemy to this kingdom and commonwealth:
 “2. whosoever shall advise the taking of tonnage and
 “poundage, not being granted by parliament, or shall
 “be an actor or instrument therein, shall be reputed a
 “capital enemy to this kingdom and government:
 “3. whatever merchant or other person shall pay
 “tonnage and poundage, not being granted by parlia-
 “ment, shall be reputed a betrayer of the liberties of
 “England, and an enemy to the same.”

During this extraordinary proceeding the king had come to the house of lords. He sent for the serjeant-at-arms, who was not permitted to obey: he then ordered the usher of the black rod to deliver a message from his own mouth; but that officer returned without obtaining admission: at last he commanded the captain of the guard to break open the door; but at the very moment the commons adjourned to the 10th of March, according to the message previously delivered by the speaker. On that day the king proceeded to the house of lords, *Mar.* and without sending for the commons dissolved the par- 10.
 liament*.

This conduct of the lower house provoked a most bitter controversy between its partisans and those of the crown. The first contended that the king possessed no right to interfere with the office of the speaker, or to prevent him from putting any question from the chair; the others, that it was the duty of the house to suspend all proceedings the moment that the order of adjournment was received from the sovereign. It was a question which had never been determined by authority; for, though the commons had of late years challenged an exclusive right to adjourn themselves, they had been careful not to bring their claim into collision with that of the crown. By Charles himself their disobedience was considered as little short of treason; and he pronounced it the result of a conspiracy to resist his lawful com-

* For all the particulars, see the journals of both houses. Rushworth 1. 656—672. Whitelock, 12, 13.

Mar. mands. By his order, the most violent of the opposition
 5. members were singled out for punishment, previously to the dissolution; and Elliot, Selden, Holles, Hobart, Hayman, Coriton, Long, Valentine, and Stroud, after a hasty examination before the council, were committed, some to the Tower, others to different prisons. At their request they were brought up by writ of habeas corpus, and demanded, in conformity with the petition of right, to be discharged or admitted to bail. The case was solemnly argued; and the court must have acceded to the prayer of the prisoners, had not Charles, on the evening before judgment was to be pronounced, by a most unwarrantable interference with the course of justice, placed them all under the custody of the lieutenant of the Tower, and forbidden him to present them in court*. It was now necessary to wait till the next term; and in the interval his anger had leisure to cool. He listened to the representations of the judges; and the nine prisoners had notice that they might be bailed, on giving security for their good behaviour. To this they resolutely objected. It implied a previous offence; it amounted to a confession of guilt. In consequence of this obstinacy, the attorney-general filed a criminal information against Elliot, Holles, and Valentine: they refused to plead, on the ground that the court of king's bench had no right to sit in judgment on their conduct in parliament. But the objection was overruled, with the aid of this pitiful distinction, that the privilege of parliament will only cover parliamentary behaviour: where the behaviour is extra-parliamentary, it is liable to censure *extra parlamentum*. The accused persisted in declining the authority of the court; and judgment was given, that all three should be imprisoned during the royal pleasure; that before their discharge they

* This now became a common practice with respect to men committed by the council. "When they brought their habeas corpus, they were removed from pursuant to pursuant, and could have no benefit of the law." Whitelock, 14.

should make their submission ; and that they should pay fines to the king, Elliot in 2000*l.*, Holles in 1000 marks, and Valentine in 500*l.* *

The unfortunate result of this last experiment had fixed the determination of Charles. If his opponents charged him, his ministers and judges, with a design to trample under foot the liberties of the people, he was as firmly convinced that they had conspired to despoil him of the rightful prerogatives of the crown. It was in parliament alone that they could hope to succeed ; and he resolved to extinguish that hope, by governing for the future without the intervention of parliament. Nor did he make any secret of his intention. He announced it by proclamation : " We have showed," he said, " by Mar.
" our frequent meeting our people, our love to the use ^{22.}
" of parliaments ; yet, the late abuse having for the pre-
" sent driven us unwillingly out of that course, we shall
" account it presumption for any to prescribe any time
" unto us for parliaments, the calling, continuing, and
" dissolving of which is always in our power, and shall
" be more inclinable to meet in parliament again, when
" our people shall see more clearly into our interests and
" actions †."

The king had now no favourite, in the established acceptation of the word. He retained, indeed, the counsellors whom Buckingham had placed around him : but, though he listened to their advice, he was careful to determine for himself. To strengthen the administration, he had recourse to the policy which had already withdrawn Savile and Wentworth from the ranks of the opposition, and resolved to tempt with the offer of favour and office the most formidable of his adversaries in

* Rushworth, 674—680. 689—701. Whitelock, 14. Elliot, who had previously settled all his property on his son, was confined in the Tower : his petitions for enlargement, on the ground of indisposition, were refused ; and this martyr for the liberties of his country died in prison in 1633. Long was prosecuted in the star-chamber, " for that he, being sheriff, and by his oath to reside within his county, did come to parliament, and reside out of his county." He was fined 2000 marks. *Ibid.*

† Rym. xix. 62.

1630. the last parliament. The patriotism of sir Dudley
 Nov. Digges, though it had stood the test of imprisonment in
 29. the cause of the people, dissolved in the sunshine of the
 court, and his services were secured to the crown by a
 patent, granting him the mastership of the rolls in re-
 1631. version. Noy and Littleton, lawyers, who had distin-
 Oct. guished themselves by the bitterness of their zeal and
 27. the fervour of their eloquence, followed the precedent
 set them by Digges; and the two apostates atoned for
 their former offences by the industry and talent with
 which they supported the pretensions of the prerogative—
 the first in the office of attorney, the second in that of
 solicitor-general*.

As secretaries of state, Charles employed sir John Cooke and sir Dudley Carleton. Of the first, the great merit was industry, the chief failing covetousness. Carleton had learning, talents, and activity; but the longer portion of his life had been spent in employment abroad, and his ignorance of the state of parties, and of the feelings of his countrymen, led him more readily to adopt the more arbitrary designs of his sovereign.

Among the lords of the council were the earl marshal, of whom it was said that "he resorted sometimes to court, because there only was a greater man than himself, and went thither the seldomer, because there was a greater man than himself;" the brother earls of Pembroke and Montgomery, the earl of Dorset †, and the earls of Carlisle and Holland ‡; the first a Scottish gentleman, raised and enriched by king James, the second a younger son of lord Rich, and the favourite of Buckingham. Most of these were men of pleasure rather than of business, and attended in the council, only

* Rym. xix. 254. 347.

† He was a person whose duel with lord Bruce forms the subject of the paper in the Guardian, No. 129.

‡ Many extraordinary stories are told of the prodigality of Carlisle, in Lodge, ii. 45. Wilson, 703, 704. 730. Weldon, 271. Holland was a younger son of lord Rich, and, by marrying the heiress of sir Walter Cope, obtained possession of the manor of Kensington, and of Holland house. From them he took his titles of baron of Kensington and earl of Holland.

because it was a duty attached to the offices which they held.

The great seal was still possessed by the lord Coventry, a profound lawyer, who devoted himself almost exclusively to his duties as a judge. He seldom spoke at the board, and, when he did, his opinion was usually unfavourable to the illegal and despotic claims of the court. It was not to be expected that a minister of this character should make any advance in the esteem of his sovereign; yet Charles permitted him to retain the office till his death, through the long lapse of sixteen years.

The earl of Manchester, lord privy seal, was also an able and experienced lawyer. He had succeeded Coke as lord chief justice, and gave 20,000*l.* for the office of lord treasurer, which, at the end of twelve months, Buckingham compelled him to resign for the inferior and less lucrative situation of president of the council, whence he ascended to that of lord privy seal. Poverty made him an obsequious counsellor, and his authority served to neutralize in the council the more liberal opinions of the lord keeper.

It was but a few weeks before the murder of Buckingham, that the white staff, the idol of Manchester's devotion, had been wrung from his grasp and transferred to the hands of sir Richard Weston, chancellor of the exchequer. Weston, by his talents and industry, realized the promises of his patron, and the expectations of his sovereign; success inspired him with presumption; and he ventured to raise his eyes to that place from which the dagger of Felton had precipitated its last possessor. Charles checked his ambition: he paid his debts, he gave to him lands, he created him earl of Portland, but he withheld that monopoly of power which had been enjoyed by Buckingham. Weston had, however, strong claims on the gratitude of his sovereign. In the collection of a revenue derived from illegal sources, he braved, for the service of the king, the hatred of the people; and his enemies, to render him still more

odious, added to the charge of injustice the still more unpardonable crime of popery. "I denounce him," cried Elliot, in the last session of parliament, "as the great enemy of the commonwealth, who continues to build on the foundation left by his master. In him are centered all our evils; to him are to be attributed the innovations in our religion, and the infringement of our liberties *."

But the religious policy of which Elliot complained, whether it were an attempt to innovate or to preserve from innovation, was the work of a very different personage, whose influence and whose fate claim more particular notice. Laud first attracted the attention of the public in his thirty-third year, by an act which he deplored to the last day of his life. He lent the aid of his ministry to a pretended marriage between Mountjoy, his patron, and the lady Rich, whose husband was still living. This offence, the result of servility and dependence, was effaced by his subsequent repentance; and he made himself useful to Neile, bishop of Rochester, who introduced him to the notice of king James. At court the obsequious clergyman crept slowly up the ladder of preferment: at the end of twelve years his services were rewarded with the bishopric of St. David's; and the zeal of the new prelate undertook to withdraw the countess of Buckingham from her attachment to the catholic worship. Though he failed of converting the lady, he won, what to him was of the first importance, the confidence of her son. The favourite chose him for his confessor and the depositary of his secrets, made frequent use of his pen and abilities, and derived from him advice and information. After the death of James

* See the character of these ministers drawn by the pencil of Clarendon, Hist. i. 45—65. The cause of suspicion against Weston was, that his wife and daughters were catholics. The catholics themselves were convinced, from the severity with which he exacted the fines for recusancy, that he was a most orthodox protestant. Clarendon, i. 50. There is, however, reason to believe that at his death he became a catholic. Strafford Pap. A. 389.

he was rapidly translated from St. David's to Bath and Wells, and from thence to the higher see of London, ^{Jan.} was introduced into the privy council, and received a ^{20.} promise of Canterbury on the death of archbishop Abbot. ^{1628.} Even the loss of his patron proved to Laud an advantage. ^{July} Charles, bereft of his favourite, called to him his favourite's counsellor. He was already acquainted with the sentiments and intrepidity of the prelate, his belief in the doctrine of passive obedience, his zeal to enforce ecclesiastical conformity, and his opposition to the civil and religious principles of the puritans. He resigned to Laud the government of the church, and Laud marshalled the church in support of the prerogative. ^{15.}

By this time the king had learnt to condemn the imprudence which had wantonly plunged him into hostilities with the two great monarchies of France and Spain. Fortunately his enemies, who dreaded not the efforts of a prince engaged in perpetual contests with his parliament, had treated him as a froward child, warding off his blows, but offering no molestation in return. Philip, whether it were through generosity or contempt, sent back without ransom the prisoners made at Cadiz—Louis those taken at Rhé. The return of the latter prince to his capital encouraged the Venetian ambassador to resume the secret negotiation, and to propose again a peace between the two crowns. Few difficulties were opposed, and these were easily overcome*. Louis waved his demand of the restoration of

* One objection raised by the French was, that Rohan, though professing himself the ally of Charles, would not accept the pacification, because he was in reality the pensioner of Spain (Carleton's Letters, xxv.); so the fact turned out to be. While he was soliciting the French protestants to join the king of England in defence of their religion, he was in reality following the dictates of the Spanish council, from which he received 40,000 ducats per annum. His brother, Soubise, had also 8000. On the conclusion of the peace between Charles and Louis, Rohan concluded another treaty with Philip, by which, in consideration of a supply of 300,000 ducats, he engaged that the French protestants should continue the war; and that, if an independent state should ultimately be established by them in any part of France, the catholics should enjoy full toleration and equal rights. See the treaty in Du Mont, v. part ii. 582, 583. Stri, *Mémoires recondités*, vi. 646.

- April the *St. Esprit*, a ship of war, of forty-six guns, built at
 14. his expense in the Texel, and illegally captured in the
 very harbour, by sir Sackville Trevor; and Charles contented
 himself with a conditional, and therefore illusory,
 promise in favour of his allies the French protestants*.
 May By a general clause all conquests made on either side
 10. were restored, and the relations of amity and commerce
 re-established between England and France†.

The overtures for a reconciliation between Charles and Philip, passed in the first instance through the hands of Gerbier, late master of the horse to the duke of Buckingham, and Reubens, the celebrated Flemish painter‡. Soon afterwards Cottington proceeded as ambassador to Madrid, and Coloma returned in the
 1630. same capacity to London. The treaty of 1604 was taken
 Nov. as the basis of pacification; and Philip, by a letter under
 5. his own hand, engaged not only to restore to the palatine such parts of his dominion as were in the actual possession of the Spanish troops, but never to cease from his efforts till he had procured from the emperor terms satisfactory to the English monarch. In return for this concession was concluded a secret and most important contract, which had for its object to perfect the mysterious treaty respecting Holland, originally commenced by Charles and Buckingham during their visit to the Spanish court; that the king of England should

* To the honour of Richelieu it should be stated that, on the submission of the protestants by the treaty of Anduze, he displayed none of that religious bigotry which was so conspicuous in the conduct of the English patriots. To put down all hope of establishing a protestant republic in the south of France, he abolished the consular government in the towns and the military organization of the inhabitants, ordered their castles and fortifications to be razed, and put an end to the general convention of deputies from the churches: but he imposed no restrictions on the protestant worship, no disabilities on the persons of its professors. They might still remain orthodox calvinists, but were compelled to become dutiful subjects.

† Du Mont, 580. Rush. ii. 94. Rym. xix. 60. 87. In consequence of this treaty, Canada and Acadia, which had been conquered by two brothers, David and Lewis Kirk, were restored to France.

‡ Gerbier was also a painter in distemper, a native of Antwerp. He was trusted both by Buckingham and the king, and, at the Restoration, returned to England with Charles the Second. Walpole has not done him justice in his *Anecdotes of Painting*, 189.

unite his arms with those of Philip for the reduction of the seven united provinces, and that the former should receive, as the price of his assistance, a certain portion of those provinces, comprehending the island of Zealand, 1631. to be held by him in full sovereignty. It was duly Jan. 12. signed by the two ministers, Olivarez and Cottington: but the king wisely hesitated to add his ratification; and by this demur forfeited his right to exact from Philip the performance of the promise in favour of the palatine. Fortunately, however, for him, the whole transaction was kept secret. Had it transpired, his protestant subjects would have branded him as an apostate from his religious creed; perhaps have driven him in their indignation from his throne*.

A year had scarcely passed when Charles betrayed the same want of sincerity towards Philip, which he had lately manifested towards the protestants of the Netherlands. The catholic states of Flanders and Brabant entertained a project of throwing off their dependence Aug. 14. upon Spain. Both France and Holland offered assistance: but the States suspected the real intentions of those powerful neighbours, and made application through Gerbier to the king of England. Charles replied, that it 21. was not consistent with his honour to announce himself the fomentor of rebellion among the subjects of a prince with whom he was at peace; but that, if they would previously proclaim themselves independent, he would pledge his word to protect them against every enemy. They were, however, unwilling to hazard their safety on the faith of a general promise; and, while they sought to bind the king to specific conditions, Philip discovered the clue to the secret, and was careful to secure their wavering allegiance by the presence of a numerous army. Thus both these negotiations failed; but it was proper to notice them, as early instances of that spirit of

* Rym. xx. 219. Clarendon Papers, i. 49. 780. ii. App. xxxii. Carleton's Letters, xxviii.—xxxii. lv.

intrigue, and that absence of common honesty, with which the king was afterwards reproached by his enemies during the civil war*.

At home his attention was chiefly occupied with the improvement of the revenue. Though the grant of five subsidies had enabled him to silence the more clamorous of his creditors, and the cessation of war had closed up one great source of expense, yet the patrimony of the crown had been so diminished by the prodigality of his father, that he could not support the usual charges of government without additional aid from the purses of his subjects. 1°. On this account he not only persisted in levying the duties of tonnage and poundage, but augmented the rates on several descriptions of merchandise, and ordered the goods of the refractory to be
 1630. distrained for immediate payment. 2°. He empowered
 May commissioners, in consideration of a certain fine, to
 27. remedy defective titles, and pardon frauds committed in the sale of lands formerly belonging to the crown†.
 Jan. 3°. He called on all persons who had not obeyed the
 28. summons to receive knighthood at his coronation, to compound for their neglect. It is certain that in former times such defaulters were punished by fines levied on their property by the sheriff; nor could it be said that the crown had resigned its claim; for the four last sovereigns had issued the usual summons, and their example had been copied by the present. But it had grown to be considered a mere form; the sheriff often neglected to serve the writ, and those who received it
 July paid to it no attention. Now, however, inquiries were in-
 6. stituted; all baronets, all knights made since the coronation, and all possessors of lands rated at forty pounds per annum, were declared liable, and commissioners
 Aug. were appointed to fix the amount of their compositions. Some had the courage to dispute the legality of the de-

* See the Hardwicke Papers, ii. 55—92.

† Rush. ii. 8. 49. 300. Rym. xix. 4. 123. 167.

mand; but the courts of law uniformly decided against them, and all were ultimately compelled to pay the sum awarded by the commissioners, which in no instance was less than two subsidies and a half. It was a most impolitic expedient, by which the king forfeited the attachment of the landed interest, the best and most assured support of his throne*. 4°. He contrived to raise a considerable revenue, by the revival of the numerous monopolies which had been abated on the successive remonstrances of parliament. But they were formed on an improved plan. Instead of being confined to a few favoured individuals, they were given to incorporated companies of merchants and tradesmen, who, in consideration of the exclusive privilege of dealing in certain articles, covenanted to pay into the exchequer a large sum of money in the first instance, and a fixed duty on the commodity which they manufactured or exposed to sale†. As these payments ultimately fell on the consumer, they were equivalent to an indirect tax, imposed by the sole authority of the crown. 5°. He extorted fines for disobedience to proclamations, even when he knew that such proclamations were illegal. In the last reign James had persuaded himself that the contagious maladies which annually visited the metropolis, arose from the increase of its size and the density of its population; and, to check the evil, he repeatedly forbade the erection of additional buildings. But, as the judges had declared such proclamations contrary to law, the prohibition was disregarded; new houses annually arose, and the city extended its boundaries in every direction. The rents of these buildings were calculated at 100,000*l.* 1634 per annum; and Charles appointed commissioners to Feb. go through each parish, and summon the owners before them. Some were amerced for their presumption, and

* Rush. ii. 70, 71. 135. 725. Rym. xviii. 278. xix. 119. 175. Bib. Regia, 337.

† Thus, for example, the corporation of soap-boilers paid for their patent 10,000*l.* and engaged to pay a duty of 8*l.* on every ton of soap. See Rush. ii. 136. 143. 186. Rym. xix. 92. 381.

ordered, under a heavy penalty, to demolish their houses; others obtained permission to compound for the offence, by the payment of three years' estimated rent, besides an annual fine to the crown for ever. Such compositions were in reality the chief object of the severities inflicted under these several pretences. All who saw themselves exposed to similar punishment solicited the forbearance of the crown; the terms became the subject of negotiation; and numerous and heavy fines were paid into the exchequer*.

At the same time Laud watched with a vigilant eye over the interests of the church. Of late years a general subscription had been set on foot for the purpose of buying up lay impropriations, and of employing them in the support of the ministry. The plan bore the appearance of religious zeal; the contributions were liberal, and the moneys were vested in twelve persons, as trustees for their application. They devoted one portion to the purchase of advowsons and presentations, the other to the establishment of afternoon lectures in boroughs and cities. But it was suspected, perhaps discovered, that the trustees, under the pretence of supporting, were, in reality, undermining the church. The lecturers appointed were nonconforming ministers; and these, as they held their places at the will, were compelled to preach conformably to the commands, of their employers. Laud accused them of being placed in their situations, "to blow the bellows of sedition;" and the bishops received orders to watch their conduct, to convert, where it was possible, the afternoon lecture into the duty of catechising, and to insist, at all events, that the surplice should be worn, and the service read by the lecturer.

* Thus, a Mr. Moor, having erected forty-two dwelling-houses, with stables and coach-houses, in the vicinity of St. Martin's in the Fields, was fined 1000*l.*, and ordered to pull them down before Easter, under the penalty of another 1000*l.* He disobeyed, and the sheriffs demolished the houses, and levied the money by distress. See *Strafford Papers*, i. 206. 243. 262, 263. 260. 372. Other proprietors of houses, alarmed at his fate, offered to compound: and the entire sum raised by this species of oppression is said to have amounted to 100,000*l.*

The attorney-general compelled the feoffees to produce their books and deeds in the court of the exchequer; and after counsel had been heard on both sides, a decree was made, that, as they had usurped on the prerogative, by erecting themselves into a body corporate, and had acted contrary to the trust reposed in them, by not annexing the impropriations to the livings of perpetual incumbents, they should render an account of all the moneys received, and of all the impropriations and advowsons purchased, and that both these should be forfeited to the king, to be employed by him for the benefit of the church, according to the original intention of the subscribers. A hint was added, that the feoffees would, moreover, be called before the star-chamber for contempt; but that threat was never put in execution*.

Charles had been advised to issue a proclamation, forbidding preachers to treat in the pulpit any of the subjects connected with the Arminian controversy. The object was to put an end to the acrimonious disputes which agitated the two parties; but the prohibition was repeatedly disregarded by the zeal of the polemics, and the offenders on both sides were, with apparent impartiality, equally summoned to answer for their presumption before the court of high commission. Their lot, however, was very different. The orthodox divines usually confessed their fault, and were dismissed with a reprimand; the puritans, of a more unbending character, suffered the penalties of fine, imprisonment, and deprivation. The consequence was, that many, both ministers and laymen, sought to leave a land where they could not enjoy religious freedom, and, migrating to America, laid the foundations of the state of New England†.

* Rush. ii. 150—159. Laud's Diary, 47.

† I may here mention an occurrence, which has been often misrepresented. The sabbatarian controversy still divided the churchmen and the puritans. On the 19th of March, 1639, the judges, Richardson and Denham, made an order at the assizes in Somersetshire, to be read by the ministers of the several parishes, forbidding wakes and other

- There was, however, one minister, of the name of Leighton, who by his ungovernable zeal drew on himself a more severe visitation. In a book entitled "An Appeal to Parliament, or Sion's Plea against Prelacy," he maintained that God's children were subjected to a most cruel persecution; that the bishops were men of blood; that the institution of the prelacy was anti-christian and satanical; that the queen was a daughter of Heth; and that the king was abused by the bishops, to the undoing of himself and his people. Language so scurrilous and inflammatory quickly attracted the notice of Laud. At his instigation, Leighton was brought before the lords in the star-chamber; his plea, that he had written through zeal, and not through malice, was disregarded; and the court adjudged him to suffer a punishment, the severity, or rather cruelty, of which will astonish the reader. The offending divine was condemned to pay a fine of 10,000*l.*, was degraded from the ministry, was publicly whipped in the palace-yard, was placed for two hours in the pillory, and, in conclusion, had an ear cut off, a nostril slit open, and a cheek branded with the letters S. S. to denote a sower of sedition. These, however, were but the sufferings of one day. At the expiration of a week he underwent a second whipping, he again stood in the pillory, he lost the remaining ear, he had the other nostril slit, and the other cheek branded. Neither was his punishment yet terminated. Marked, degraded, mutilated as he was, he returned to prison, to be immured there for life, unless the king

amusements on the Lord's day. The king disapproved of the order, and sent his father's book of sports, which has been already mentioned, to be read in opposition to it. This, it has been contended, was acting in the very face of an act of parliament for the better observance of the sabbath; but a reference to the act will show that it was in exact conformity with it. The act distinguished two kinds of sports, unlawful sports, such as bear-baiting, bull-baiting, interludes, and common plays, all which were forbidden without exception; and lawful sports and pastimes, which were allowed to all persons within their own parishes, but forbidden to them in other parishes, because the meetings of the inhabitants of different parishes frequently occasioned quarrels and bloodshed. See both in *Bibliotheca Regia*, 233—242.

should at any subsequent period think him a fit object for mercy. But from Charles he found no mercy : and it was only at the end of ten years that he obtained his liberty from the parliament, then in arms against the king*. Leighton was a dangerous fanatic, capable, as appears from his writings, of inflicting on others the severities which he suffered himself. But this can form no apology for the judges who awarded a punishment so disproportionate to the offence. *They* sought to shelter themselves under the plea that he might have been indicted for treason, and, therefore, instead of complaining of the sentence, ought to have been thankful for his life.

Both Charles and his adviser, Laud, were aware that the puritans accused them of harbouring a secret design to restore the ancient creed and worship. The charge was groundless. It originated in that intolerant zeal which mistook moderation for apostacy, and was propagated by those whom interest or patriotism had rendered hostile to the measures of government. Charles conceived it expedient to silence this murmur, by giving public proof of his orthodoxy. He carefully excluded all English catholics from the queen's chapel at Somerset house; he offered in successive proclamations a reward of 100*l.* for the apprehension of Dr. Dec. 1628. Smith, the catholic bishop; and he repeatedly ordered 11. the magistrates, judges, and bishops, to enforce the 1629 penal laws against the priests and jesuits. Many were Mar. 24. apprehended, some were convicted. But the king, having ratified for the third time the articles of the marriage treaty, was ashamed to shed their blood merely on account of their religion. One only suffered the penalties of treason, through the hasty zeal of judge Yelverton: of the remainder some perished in prison, some were sent into banishment, and others occasionally

* Rush. ii. 56. Howell's State Trials, iii. 383.

obtained their discharge on giving security to appear at a short notice*.

The same motive induced the king to act with lenity towards the lay recusants. The law had left it to his option to exact from them the fine of twenty pounds per lunar month, or to take two-thirds of their personal estate; but, in lieu of these penalties, he allowed them to compound for a fixed sum to be paid annually into the exchequer. Many hastened to avail themselves of the indulgence. The amount of the composition was determined at the pleasure of the commissioners; and the catholic, by the sacrifice, sometimes of one-tenth, sometimes of one-third of his yearly income, purchased, not the liberty of serving God according to his conscience (that was still forbidden under severe penalties), but the permission to absent himself from a form of worship which he disapproved. The exaction of such a sacrifice was irreconcilable with any principle of justice: but, inasmuch as it was a mitigation of the severities inflicted by the law, the recusants looked upon it as a benefit, the zealots stigmatized it as a crime in a protestant sovereign†.

Before I conclude this chapter, I may notice the efforts of Charles in favour of his sister, and her husband the prince palatine. The king of Denmark had proclaimed himself the champion of their cause; but his career was short, and he was glad to preserve by a hasty pacification his hereditary dominions from the grasp of that enemy whom he had wantonly provoked. In his place the kings of England and France endeavoured to call forth a more warlike and enterprising chief, the famed Gustavus Adolphus, king of Sweden. By their good offices a truce for six years was concluded between that prince and his enemy the king of Poland; and

* Rush. i. 645. ii. 11. 12. Prynne, *Hidden Works*, 123. *Clarendon*, Pap. i. 353. 485. Challoner, ii. 123. *Bibliotheca Regia*, 35—39.
† See note (G).

Gustavus, landing in the north of Germany, astonished 1630. the world by the number and rapidity of his conquests. June Nothing could resist the impetuosity of the Swedish hero. Armies were dissipated, fortresses reduced, and whole nations subdued. Charles had agreed to aid him with a body of six thousand infantry: but, that he might not offend the emperor by too open an avowal of hostility, he prevailed on the marquess of Hamilton to 1631. levy the men, and to conduct them to Germany, as if it were a private adventure, undertaken at his personal risk. Gustavus had formerly promised to replace Frederic on the throne: but, when he saw himself in possession of a great part of the palatinate, his views changed with his fortune; he began to plan an establishment for himself, and to every application from the king and the prince he returned evasive answers, or opposed conditions which it would have been difficult for Charles, 1632. disgraceful to the palatine, to perform. Vane, the Eng- Aug. lish ambassador, was recalled, and Hamilton received 1. orders to contrive some pretext for his return; but the prince, deluded by his hopes, still followed the Swedish Nov. camp, till his protector fell in the great battle of Lutzen. 6. Frederic did not survive him more than a fortnight, 19. dying of a contagious fever in the city of Mentz; and all the efforts of his son Charles Louis proved as fruitless as those of the father. The imperialists routed his army 1637. in Westphalia; the earl of Arundel returned with an unfavourable answer from the diet of Ratisbon; and the reception given to the proposals made in his favour by the English envoy in the congress of Hamburgh served only to demonstrate the utter hopelessness of his pretensions*.

* Rush. ii. 35. 53. 59. 83—87. 130. 166. Memoirs of Hamilton, 7—9 15—25. Clarendon Papers, i. 642. 678.

CHAPTER V.

CHARLES I.

The King in Scotland—Discontent in England—In Ireland—Oppressive conduct of Wentworth—In Scotland—New Service Book—Covenant—Riots—King marches against the Covenanters—Pacification of Berwick—Scottish and English Parliaments—A second War—Scots obtain possession of Northumberland and Durham—Great Council at York—Treaty transferred to London.

SCOTLAND, at the death of James, enjoyed a state of unprecedented tranquillity; but the restlessness and imprudence of the new king gradually provoked discontent and rebellion. It had been suggested that he might obtain a permanent supply for his own wants, and at the same time provide a more decent maintenance for the Scottish clergy, if he were to resume the ecclesiastical property which, at the Reformation, had fallen to the crown, and during the minority of his father had been alienated by the prodigality of the regents Murray 1626. and Morton. The first attempt failed, from the resistance of the possessors; in the second he proved more 1628. successful. The superiorities and jurisdictions of the church lands were surrendered, and a certain rate was fixed, at which the tithes might be redeemed by the heritors, and the feudal emoluments be purchased by the crown. Charles congratulated himself on the result; but the benefit was more than balanced by the disaffection which it created. The many powerful families who

themselves wronged did not forget the injury ;
 and they took the most ample revenge *.

3. in imitation of his father, resolved to visit
 country. He was accompanied by a gallant 1633.
 English noblemen, and was received by the June
 the most enthusiastic welcome †. At his co- 12.
 which was performed by the archbishop of St. 18.
 they gave equal demonstrations of joy, though
 parts of the ceremony shocked their religious
 and the officious interference of Laud wounded
 national pride ‡.

Next day Charles opened the Scottish parliament 19.
 in ancient form. A liberal supply was cheerfully
 granted to the sovereign—but on two points he met with
 most vigorous opposition. When it was proposed to
 alter the statutes respecting religion, and to vest in
 the crown the power of regulating the apparel of church-
 men, an obstinate stand was made by all the members,
 who conscientiously objected to the jurisdiction of the
 king. The king sternly commanded them not to dis-
 obey, but to vote; and, pointing to a paper in his hand,
 said, "Your names are here! to-day I shall see
 you are willing to serve me." The lord register so- 27.
 ly affirmed that the majority had given their voices
 in favour of the bills; the contrary was afterwards as-
 serted by their opponents §. The notion
 that the king entertained sentiments favourable to
 popery had been maliciously circulated in Scotland;
 and his policy respect-

Burnet's own Times, i. 20. Large declaration, i.—9. Balfour, ii. 128.
 151. 3, 4. Statutes of 1633.

It was remarked by some that the Scots would imitate the Jews, and
 at their hosannas at his entry would be changed into "Away with him,
 crucify him!" Leslie, bishop of the isles, mentioned this at dinner to
 him, who immediately turned thoughtful, and ate no more. MS. letter
 to him, 1633.

ii. 195—199. Rushworth, ii. 181, 182. Clarendon, i. 79.
 In his "Large Declaration," declares this "a calumny so foul
 as that they themselves did know it to be most false by
 their own papers and the papers of many hundreds present,
 copies of the number of voices."

ing the church, were deemed confirmatory of the charge; and, though he surrendered to the importunity of petitioners most of the money voted by the parliament, his visit served neither to strengthen the attachment, nor to dissipate the distrust of his countrymen*.

During the six years which followed his return from Scotland, England appeared to enjoy a calm; but it was a deceitful calm, such as frequently precedes a storm. He took no pains to allay, he rather inflamed that feverish irritation which the illegality of his past conduct had excited in the minds of his subjects. Nor can it be said, in his excuse, that he was ignorant of their dissatisfaction. He saw it, and despised it: believing firmly in the divine right of kings, he doubted not to bear down the force of public opinion by the mere weight of the royal prerogative.

He had scarcely time to repose from the fatigue of his journey when Abbot died, and he gladly seized the Aug. opportunity to place Laud on the archiepiscopal throne†.

6. The new metropolitan wielded the crosier with a more vigorous grasp than his predecessor. He visited his province, established uniformity of discipline in the cathedral churches, enforced the exact observance of the rubric, and submission to the different injunctions; and, by strictly adhering to the canon which forbade ordination without a title, cut off the supply of non-conforming

* Balfour, ii. 199—201. Rushworth, ii. 182—187. Burnet's Own Times, i. 22.

† At this time Laud made the following entries in his Diary: "Aug. 4. News came of the lord archbishop of Canterbury's death. The king resolved presently to give it to me. That very morning at Greenwich there came one to me seriously, and that avowed ability to perform it, and offered me to be a cardinal. I went presently to the king, and acquainted him both with the thing and the person. Aug. 17. I had a serious offer made me again to be a cardinal. I was then from court; but so soon as I came thither (which was Wednesday, Aug. 21) I acquainted his majesty with it. But my answer again was, that somewhat dwelt within me which would not suffer that till Rome were other than it is." That this answer does not display any strong antipathy to the offered dignity may be admitted; but it certainly does not warrant the inference which his enemies afterwards drew from it. See his diary, 43, and his troubles, 388. That, however, there was more in the offer than is generally supposed, will appear from the next page.

ministers for public lectures and private chapels. After his example, and by his authority, the churches were repaired and beautified; at his requisition the judges unanimously confirmed the legality of the proceedings in the ecclesiastical courts; and by his advice the king, in defiance of every obstacle, undertook to restore St. Paul's cathedral to its ancient splendour. In these pursuits there was certainly much commendable in itself, and becoming his station; but the jealousy of the puritans had long ago marked him out as an enemy; the most innocent of his actions were misrepresented to the public, and whatever he attempted was described as an additional step towards the introduction of popery. A succession of written papers dropped in the streets, or affixed to the walls, or secretly conveyed into his house, warned him of the punishment which his apostacy deserved, and which the orthodoxy of his opponents was prepared to inflict*.

About this time the jealousy of the puritans was roused to the highest pitch by their knowledge of the fact, that an accredited agent from Rome had received the royal permission to reside in London. Two motives had induced the pope, Urban VIII., to make this appointment. 1. Towards the end of August, 1633, sir Robert Douglas arrived in Rome with the character of envoy from the queen, and a letter of credence signed by the earl of Stirling, secretary of state for Scotland. It was soon discovered that the real object of his mission was to obtain, through her intercession, the dignity of cardinal for a British subject, under the pretext that such a con-

* Laud's Diary, 44. 47. These reports and menaces urged the archbishop to prove himself a true protestant by his vigilance against the catholics. In a letter to lord Strafford we are told that he had lately accused before the council a schoolmaster and innkeeper at Winchester, for bringing up catholic scholars; that he had procured an order for the calling in and burning of a catholic book, entitled, "An Introduction to a Devout Life," which he had previously licensed, with the change of the word *mass* into "*divine service*;" and that Morse, a missionary, who had distinguished himself by his attention to the sick during the contagious fever in St. Giles's, and had, by his charity, induced many to become catholics, had been tried and convicted. Strafford Papers, ii. 74.

cession would go far towards the future conversion of the king. Urban, suspicious of some political intrigue, resolved to return no answer till he should have ascertained from whom this unexpected project had originated, and in whose favour the hat was solicited; and with that view he deemed it expedient to despatch an envoy from Rome, who might communicate personally with the queen. 2. Another motive was furnished by the controversy among the English catholics respecting the expediency of appointing a bishop for the government of their church. The secular clergy and the regulars, with their respective adherents, had taken opposite sides on this question; and the warmth with which it was discussed in England had provoked a similar opposition between the episcopal body and the monastic orders in France; an opposition so violent and irritating as to threaten for some years a schism in the French church. To appease this storm was an important object with Urban: and, distrustful of the representations of parties interested in the dispute, he determined to appoint a confidential minister to collect information on the spot. The first whom he employed was Leander, an English Benedictine monk, with whose proceedings we are very imperfectly acquainted: but Leander was soon followed by Panzani, an Italian priest, of the congregation of the oratory, who was instructed to confine himself entirely to the controversy among the catholics, and on no pretext whatever to allow himself to be drawn into communication with the new archbishop of Canterbury *. Panzani

* Che sotto quasivoglia pretesto non trattasse col arcivescovo di Cantuarina. (Barberini's despatch of 13 Mar., 1636.) Why so? Had it then been discovered at Rome that Laud was the man for whom the dignity of cardinal had been at first solicited? It is not improbable. Douglas left England to make the request about the middle of July, and reached Rome about a month later. Now the offer of that dignity was made to Laud in England on the 4th, and repeated on the 17th of August. (Laud's Diary.) This coincidence in point of time furnishes a strong presumption; and to it may be added that, in December, Du Perron, the chief clergyman in the queen's household, proceeded to Paris, and to Bichi, the nuncio, spoke highly in favour of Laud, with regard to his religious principles, and his willingness to show favour to the catholics. Despatch of Bichi to Bar-

was graciously received by the queen, and assured, 1634 through secretary Windebank, that he might remain in Dec. safety. From his despatches it appears that among the most zealous churchmen there were some who, alarmed at the increasing numbers and persevering hostility of the puritans, began to think of a re-union with the see of Rome, as the best safeguard for the church of England. Of this number were Windebank, Cottington, Goodman, bishop of Gloucester, and Montague, bishop of Chichester. The latter was become an enthusiast in the cause. He conversed thrice with the Italian on the subject, and assured him that the English clergy would not refuse to the pope a supremacy purely spiritual, such as was admitted by the French catholics; that among the prelates three only, those of Durham, Salisbury, and Exeter, would object; and that Laud, though he was too timid and too cautious to commit himself by any open avowal, was in reality desirous of such an union. Though it was plain that little reliance could be placed on the assurances made by men who had not the courage to communicate their thoughts to each other, much less to sound the disposition of their sovereign, Panzani transmitted the information to his court; and received for answer that, on a subject so delicate and important, it was his duty to hear what was said, but to abstain from giving any pledge on the part of the pontiff; and that, if these overtures should subsequently assume a more tangible shape, the negociation would be intrusted to a minister of higher rank and more approved experience. Panzani now applied himself to the other objects of his mission. Charles, at his solicitation, put an end to the vexations to which the catholics were still subject from the searches wantonly and maliciously made in their houses at the pleasure of the pursuivants; and was in-

berini, Dec. 1633.—I may add that Panzani reckoned the English catholics at 150,000. Vi sono in Inghilterra dà 150 mila cattolici; fra essi sono alcuni titolati, e molti di nobiltà mediocre, e molti ignobili, fra quali vi sono non pochi che hanno notabili ricchezze. *Relazione MS.*

duced, by the hope of benefiting his nephew, the palatine, through the mediation of Urban, to consent to the opening of an official intercourse between the two courts, through accredited agents, who should, however, assume no public character, but appear as private individuals. For this purpose sir William Hamilton, the brother of lord Abercorn, repaired to Rome, where, as gentiluomo of the queen of England, he renewed in her name the request of the purple for a British subject. On this occasion, however, that subject was named; and proved to be Conn, a Scottish clergyman, the favourite of cardinal Barberini. But Hamilton was furnished also with private instructions from the king to solicit the good offices of the pope in favour of the king's nephew, the son of the deceased palsgrave; to promote the intended marriage of his niece, the daughter of the same prince, with the king of Poland; and to obtain the papal approbation of the oath of allegiance, or of some other instrument of similar import. Should he see a prospect of succeeding in any one of these demands, he was authorised to promise, what Charles had hitherto refused, the royal consent to the permanent residence of a catholic bishop in England*.

The person selected in Rome to be the successor of Panzani was Conn himself, the queen's nominee for the 1636. purple. From Charles and Henrietta he met with the
 July most gracious reception; but with all his efforts failed
 25. to effect an understanding between the king and the pontiff. Urban constantly refused to employ his influence in favour of a protestant, to the prejudice of a catholic prince; and Charles as obstinately refused to admit of any form of oath, which did not include a full and unequivocal disclaimer of the deposing power. Still the presence of Conn proved a benefit to the English catholics. He was able, by his remonstrances on dif-

* It is plain from the original papers that, whatever hopes or designs might be entertained by others, Charles, in assenting to the mission of Hamilton, had none but political objects in view. See the Clarendon Papers, 337. 348. 355. 445.

ferent occasions, to check the zeal of archbishop Laud, who, through anxiety, as it was reported, to shake off the imputation of popery cast upon him by the puritans, sought to establish the belief of his orthodoxy by the rigorous enforcement of the penal laws*. Conn remained three years in England; introduced to the king and queen his successor, count Rossetti, a young layman, of pleasing manners and courtly acquirements; and then hastened to Rome to receive, as the reward of his services, the object of his ambition. He died, however, a few days after his arrival, to the grief of the queen and of Barberini †.

1639.
Sep.
2.
1640
Jan.
10.

The reception given to these envoys was a fatal error on the part of the king; for it provoked in the minds of many a doubt of his attachment to the reformed faith, and enabled his enemies to raise the cry that religion was in danger, a powerful engine to set in motion the prejudices and passions of the people. This formed one great cause of the public discontent; but to it must be added several others of the most irritating tendency, which were furnished by the oppressive proceedings in the courts of justice, and the illegal expedients adopted by the king to raise money without the consent of parliament.

I. The reader is aware that the court of the star-chamber was established, or at least moulded into a new form, in the third year of Henry VII., for the purpose of

* From a MS. abstract of Conn's despatches in my possession.

† At the end of Lord Nugent's "Memorials of Hampden," (ii. App. A.) is an account of the mission of Panzani, Conn, and Rossetti, taken from the "Guerre Civile" of Mayolino Bisaccioni. But the comparison of that account with the despatches of those envoys shows that Bisaccioni was as ignorant of their real history as he was of the politics and conduct of parties in England. In addition the reader may consult the memoirs of Gregorio Panzani (131—261.), edited by Rev. Jos. Berrington, of the authenticity of which there cannot be no doubt; and also Mr. Butler's Historical Memoirs of British Catholics, 3d edition, vol. ii. 310—369. It appears to me plain that Charles had no idea of a re-union between the churches: and that, if Laud ever cherished such a project, he kept it to himself. Panzani never saw him; nor is there anything in the correspondence except the assertion of Montague, to make it appear that the archbishop was favourable to it.

checking the presumption of those powerful lords who at a distance from the capital overawed the proceedings, and set at defiance the authority, of the ordinary courts of law. It was made to consist of two out of three great officers of state, a spiritual and a temporal lord, members of the privy council, and two of the twelve judges; and was authorised to examine offenders, and to punish them according to the statutes of the realm. When it had fallen almost into desuetude, it was restored in full vigour, and with the most beneficial results, by cardinal Wolsey; and from that period continued through several reigns to grow in importance, perpetually adding to its jurisdiction, and making itself feared by the severity of its judgments. Whatever by legal ingenuity could be tortured into a contempt of the royal authority might be brought before it; and the solemnity of the proceedings, the rank of the judges, and the manner in which they delivered their opinions, gave it a superiority in the eyes of the public over every other judicial tribunal*. But, in proportion as it gained in dignity and importance, it lost in reputation. The judges (every privy councillor was now admitted) were also in many cases the prosecutors; they generally founded their decisions on precedent rather than law; and it was believed that often the wish to humble an adversary, the necessity of supplying the wants of the exchequer, and the hope of purchasing the royal favour, induced them to punish without sufficient proof of guilt, or beyond the real demerit of the offender. Of such conduct one instance has been already mentioned in the fate of Leighton: a few more may be added, which,

* Sir Thomas Smith, Commonwealth of England, l. iii. c. 3. "It was a glorious sight on a star-day, when the knights of the garter appear with the stars on their garments, and the judges in their scarlet; and in that posture they have sate, sometimes from nine in the morning till five in the afternoon, before every one had done speaking their minds in the cause that was before them. And it was usual for those that came to be auditors at the sentence given in weighty causes to be there by three in the morning to get convenient places and standing." Rushworth, ii. 473.

from their influence on the subsequent events, are deserving of particular notice.

1^o. When bishop Williams resigned the seals, he retired, after an ineffectual attempt to regain the royal favour, to his diocese of Lincoln. There his wealth enabled him to live with princely magnificence, while his resentment led him to indulge occasionally in rash and indecorous expressions. These were carefully conveyed by the sycophants around him to the ear of his great rival Laud, and by Laud communicated with suitable comments to the king*. It had been advised by Williams, that the puritans should be gained by lenity and indulgence, instead of being alienated by severity and prosecutions; and, as the counsel had been favourably received, he hesitated not to repeat it to two officers of the high commission court. In a few days an information was filed against him in the star-chamber, 1628, for publishing tales to the scandal of his majesty's government, and revealing secrets of state contrary to his oath of a privy councillor. He gave in his answer, and the prosecution was allowed to sleep during several years, through the influence of Cottington, who began to oppose Laud. He had even appeased the king, and directions had been given to draw out his pardon, when on some new provocation the proceedings recommenced†, and, an attempt having been made to weaken the credit of Pridgeon, a witness for Williams, the bishop or his agents sought to support it by inducing the witnesses against Pridgeon to revoke or amend their depositions. The attorney-general immediately dropped the first information, and substituted a second, charging the prelate with the offence of tampering with the king's

* Those who wish to learn the dishonest artifices by which these two prelates sought to ruin each other in the estimation of the king, may consult Hacket's *Life of Williams*, comparing it with Heylin's *Life of Laud*. That Laud dreaded at all times the influence of Williams is evident from his dreams respecting that prelate, which he has recorded in his *Diary*, 7, 8. 10. 38. 41. 48.

† *Stratford Papers*, i. 480. 490. 504. 506. 516.

1637. witnesses. After a patient hearing of nine days, the
 July court adjudged him to be suspended from the episcopal
 11. office, to be imprisoned in the Tower during the royal
 pleasure, and to pay a fine of 10,000*l*. Laud, who was
 one of the judges, and was considered by the public as
 his great enemy, took the opportunity of vindicating his
 own character. Delivering his judgment, he declared
 that he had repeatedly interceded for Williams on his
 knees; but that the petitions of the bishop for favour
 were so far from expressing repentance and humility,
 that they served rather to offend than to appease his sove-
 reign. Still the enemies of Williams were not satisfied.
 The officers who took possession of the bishop's effects
 found among his papers two letters from Osbaldeston, a
 schoolmaster, informing his patron, in one passage,
 that "the great Leviathan (Portland, the late treasurer)
 "and the little urchin (archbishop Laud) were in a
 "storm," and, in another, that "there was great jealousy
 "between the Leviathan and the little meddling hocus-
 "pocus." This discovery gave rise to another informa-
 tion against Williams, for having plotted with Osbaldes-
 ton to divulge false news, to breed disturbance in the
 state, and to excite dissension between two great officers
 of the crown. On the trial it was held that to conceal
 a libellous letter respecting a private individual was
 lawful, but to conceal one respecting a public officer was
 1639. a high offence, and the judgment of the court was, that
 Feb. the bishop of Lincoln should pay a fine of 5000*l*. to the
 14. king, damages to the amount of 3000*l*. to the arch-
 bishop, should make his submission, and should suffer
 imprisonment during pleasure*.

2°. William Prynne was a barrister of Lincoln's inn,
 a man of a morose and gloomy disposition, deeply im-

* Rushworth, ii. 416—449. 803—817. Howell, iii. 770—824. If we
 believe only one half of the account of these prosecutions, as recorded by
 Hacket, we must admit that, to molest the obnoxious prelate, the king and
 his adviser scrupled not to violate every principle, and even every accus-
 tomed form, of justice. Hacket, ii. 43—140.

bued with the doctrines of puritanism, and warmly animated against the prevailing vices of the age. He had persuaded himself that the dissolute lives of some young men among his acquaintance originated in the habit of frequenting the theatre; and to warn the public against that great and growing evil—to prove that the nation was rapidly lapsing into paganism, he wrote a ponderous volume of 1000 quarto pages, entitled *Histriomastix*. 1632 He complained that within the two last years not less than 40,000 copies of plays had been exposed to sale; that they were printed on better paper than most Bibles, and bought up with greater avidity than the choicest sermons; and that the theatres in the capital, those chapels of the devil, had increased to six, double the number which existed in Rome under that dissolute emperor Nero. The players he represented as the ministers of Satan, and the haunters of plays as running in the broad road to damnation. His attacks were equally directed against the masks at court, and the amusements of the common people. Dancing was the devil's profession, and every pace in a dance was a pace towards hell. Dancing made the ladies of England, shorn and frizzled madams, to lose their modesty; dancing had caused the death of Nero, and had led three *worthy* Romans to put to death the emperor Gallienus. With equal bitterness he inveighed against hunting, May-poles, public festivals, the adorning of houses with green ivy at Christmas, cards, music, and perukes. Neither did the church escape. The silk and satin divines, with their pluralities, their bellowing chants in the church, and their ducking and cringing to the altars, were subjected to the severe lash of the satirist. Prynne had long been a marked character; Laud had already summoned him twice before the high commission court, and had twice seen the victim snatched from his grasp by prohibitions from Westminster hall*. But this last

* *Canterburies doome*, 507. *Heylin*, 155. 172. 220.

publication subjected him to the jurisdiction of a more independent court. The prelate hastened to read to the king the passages which appeared to reflect upon him and the queen dancing at court; and Noy, the attorney-general, was ordered to indict Prynne in the star-chamber, as the author of a dangerous and seditious libel.

1. It was in vain that he disclaimed upon oath any disloyal or factious intention,—any design of including the king or queen, or lords, or virtuous females, within the indiscriminate censure of his book; and that he expressed his regret for several passages, couched in language which he acknowledged to be intemperate, and unjustifiable. He was adjudged by the court to be put from the bar, excluded from Lincoln's inn, and deprived of his degree in the university; to stand in the pillory in Westminster and in Cheapside; to lose an ear in each place; to have his book burnt before his eyes by the common hangman; to pay a fine of 5000*l.*; and to suffer perpetual imprisonment. This punishment, which, though the queen interceded in favour of the victim, was inflicted in all its rigour, deserved and incurred the reprobation of the public: but when the puritans indulged in invectives against the court by which the judgment was given, they should have recollected the still more barbarous judgment which they had pronounced in parliament a few years before, against Floyd the catholic barrister, for a much more questionable offence*.

3^o. But persecution did not subdue the spirit of Prynne. From his prison, in a tract entitled "News from Ipswich," he denounced the apostacy of the prelates, attempted to prove them Luciferian lords, devouring wolves, and execrable traitors, and charged them with a long catalogue of innovations, tending, in his opinion, to overthrow the pure doctrine of the gospel,

* Rushworth, R. 220—241. Howell, iii. 561—586. Whitelock, 18. 22. Heylin, 280. 264. We are told, in a letter to the earl of Strafford, that Prynne immediately after the execution "got his ears sowed on, that they might grow again as before to his head." Strafford Papers, i. 266.

and to introduce the superstitions of popery*. He found an able coadjutor in Dr. Bastwick, a fellow-prisoner. Bastwick was a physician, who had written a treatise against the divine institution of bishops, under the title of "*Elenchus papismi et flagellum episcoporum Latialium*." It was a fair subject of discussion: but in the opinion of the churchmen, he had treated it more like a libeller than a divine; and in the high commission 1635. court he was excommunicated, suspended from the Feb. practice of his profession, and condemned to pay, with 12. the costs of the suit, a fine of 1000*l.* to the king, to be imprisoned two years, and to make a recantation. He now wrote another tract, "*Apologeticus ad præsules 1636. Anglicanos*," and followed this up with the "*Letanie of John Bastwick, doctor of physic, being now full of devotion, and lying at this instant in Limbo patrum*,"—a strange and incoherent rhapsody, intended to expose the "faste and prophanesse of the bishops, and the fruitlesnesse and impietie of the service books †." A third apostle was found in Henry Burton, a clergyman who had been chaplain to the king before his journey to Spain, and who had since been suspended by the high commission court, for two sermons entitled, "*God and the king*," preached on the 5th of November in his own church of St. Matthew, in London. In his defence Nov. he wrote an apology, calling on all orders of men to 5. resist the innovations of the prelates, whom he stigmatized as "blind watchmen, dumb-dogs, ravening wolves,

* These innovations were, the forbidding of sermons on the last general fast, the appointing it on Wednesday to prevent the Wednesday lectures, the omission of a collect, and of the prayer for seasonable weather, and also of the name of the princess Elizabeth, and of her issue, in the prayer for the royal family. Rushworth, iii. App. 119—122.

† As a specimen, I transcribe the following passage, not one of the most offensive: "If wee looke upon the lives, actions, and manners of the priests and prelates of our age, and see their pride, faste, impudence, immanity, prophanesse, unmercifullnesse, ungodlinesse, &c., one would thinke that hell were broke loose, and that the devils in surplices, in hoods, in copes, in rochets, and in foure square c—t—s upon their heads, were come among us, and had b—t us all: pho! how they stinke!" P. 14.

"antichristian mushrooms, robbers of souls, limbs of the "beast, and the factors for antichrist*."

It might have been supposed, even by the most orthodox churchman, that the foul and scurrilous language in which these tracts were composed, would prove a sufficient antidote to the poison which they contained. But Laud, as appears from his correspondence with Strafford, had taken for his motto the words "thorough" and "thorough." He had convinced himself that severity alone could tame the obstinate spirits of his opponents, and he expected to enforce submission by the apprehension of punishment. But his conduct had a very different effect. It encouraged a notion that the books asserted truths which could not be refuted, and it elevated the libellers to the rank of martyrs, whose constancy under their sufferings increased the number of their disciples. At his suggestion, a criminal information was filed in the star-chamber against Prynne, Bastwick, and Burton, for attempting to bring the government in church and state into disrepute, and to excite sedition among his majesty's subjects. Burtor gave in his answer; but as it was of enormous length, and still more provoking than his former works, it was expunged as impertinent, by the advice of the two chief justices. The answers of Prynne and Bastwick were of a similar nature, offering to show that the prelates invaded the prerogative, despised the Scriptures, encouraged popery and profaneness, oppressed loyal subjects, and were the servants of the devil, and the enemies of God and the king, and of every living thing that was good. But to such libels it was impossible to

* He reproached them with having substituted "at" for "in the name" of Jesus every knee shall bow;" with having changed the words "whose religion is rebellion," into "who turn religion into rebellion;" with the omission of the prayer for the navy on the fast day, with reading the second service at the communion table, with bowing when they entered the church and approached the table, with placing it altar-wise at the upper end of the chancel, and with having forged a new article of religion brought from Rome, that is, the disputed clause in the 21st article. Rush III. App. 122—132.

procure the signatures of two counsel, and without that formality, according to the rule of the court, no answer could be received. There was, indeed, an apparent hardship in thus refusing to listen to the defence of the accused: yet their defence, had it been heard, would have been deemed an aggravation of the crime, though it could hardly have added to the severity of the punishment. They were condemned to stand two hours in the pillory, to suffer the amputation of both ears, to pay severally a fine of 5000*l.* to the king, and to be imprisoned for life*. The sentence was executed in the palace yard, and from their pillories the prisoners harangued the multitude of the spectators, who admired their constancy, pitied their sufferings, and, at the abscission of their ears, expressed a general disapprobation by groans and hisses. The proceedings of the day excited alarm in the breast of the archbishop: but that alarm, instead of teaching him the impolicy of such cruel exhibitions, only prompted him to employ additional severity. He obtained an order to remove the three sufferers from the vicinity of their friends, and the sympathy of the public; and to confine them separately in the castles of Launceston, Carnarvon, and Lancaster. To his amazement, their departure from London, and the whole progress of their journey, bore the appearance of a triumphal procession. The roads were crowded with friends and spectators †, and men contended with each other for the happiness of addressing and entertaining the martyrs. Still the zeal of the archbishop did not relax. He ordered those who had the presumption to perform the duties of hospitality to Prynne, on his way through Chester, to be called before the high commission court at York, by which they were condemned to pay fines,

* Howell's State Trials, iii. 711—770.

† Laud mentions *thousands*. (Strafford Papers, ii. 99.) Ingram, the sub-warden, told the king that there were not less than 100,000 people gathered together to see Burton pass by betwixt Smithfield and two miles beyond Highgate. His wife went along in a coach, having much money thrown to her as she passed. Ibid. 114.

some of 500*l.*, some of 300*l.*, and some of 250*l.*, and to make a public acknowledgment of their offence in the cathedral before the congregation, and in the town-hall, before the mayor, aldermen, and citizens of Chester*. As for the prisoners, it was determined to banish them out of England, but still to detain them in prison.

Aug. Bastwick was sent to the isle of Scilly, Burton to the
27. castle of Cornet in Guernsey, and Prynne to that of Mont Orgueil in the island of Jersey.

II. The proceedings in the high commission courts did not produce less discontent than those in the star-chamber. Never were the powers with which they were armed more vigorously exercised, never were the punishments which they inflicted, fines, imprisonment, and costs of suits, so vexatiously multiplied, as under the present metropolitan. They professed to take

* See "A New Discovery of the Prelates' Tyranny in their late Proceedings," 1641, p. 91. 97. The great impression made on the public mind by several publications, describing the conduct, and relating the speeches of Prynne, Bastwick, and Burton, at the time of the execution of the sentence, induced the court of star-chamber to publish an order for the better regulation of the press. It forbade, 1^o. the importation or sale of books printed beyond the seas, to the scandal of religion or the church, or the government, or of the governors of the church or state, or commonwealth, or of any corporation, or particular person or persons, under the penalty of fine, imprisonment, or other corporal punishment, by order of the court of star-chamber, or of the high commission: 2^o. The printing of any book whatsoever, unless it were first lawfully licensed, upon pain that the printer should be disabled from exercising the mystery of printing, and receive such other punishment as one of the two courts aforesaid should inflict: 3^o. It ordered that books of law should be licensed by one of the chief justices, or the chief baron; books of history and state affairs by one of the secretaries of state; books of heraldry by the earl marshal; books of divinity, philosophy, physic, poetry, and other subjects, by the archbishop, or the bishop of London, or the chancellors or vice chancellors of the universities. All these, however, might appoint other licensers under them. 4^o. That every printer should affix his own name, and the name of the author, to every book; ballad, or portraiture, printed by him: 5^o. That there should be no more than twenty master printers besides those of his majesty and the universities; that no printer should have more than two presses, or two apprentices, unless he were warden of the company. 6^o. That if any other person presumed to print, or work at a press, or compose letters, he should be set in the pillory, be whipped through the city of London, and suffer other discretionary punishment. 7^o. That there should be no more than four-letter-founders allowed. July 11, 1637. Rushworth, iii. App. 306. A more effectual scheme could not be devised to enslave the press; but whence did this court derive the power to make such a regulation?

cognizance of all public breaches of morality, of all words, writings, or actions, tending to the disparagement either of the religion or of the church established by law; and as in the prosecution of these duties they frequently came into collision with the courts at Westminster, the rivalry between the civil and spiritual jurisdictions naturally begot a hostile feeling between the church and the bar. The people lived in continual dread of these inquisitorial tribunals; and there existed among them a persuasion, that many of the prosecutions were instituted not through motives of morality or religion, but for the mere sake of the fines, which were set apart as a fund towards the repairs of St. Paul's cathedral*. In one respect, indeed, the high commission court deserved the praise of impartiality: it visited with equal retribution the offences of the rich and of the poor; but this very circumstance operated to its prejudice. Individuals of rank and influence, who had been compelled by it to do public penance for incontinency, or some other scandalous vice, were taught through revenge, others of similar habits through fear of similar punishment, to look with an evil eye upon that jurisdiction, which employed itself in humbling their pride, and interfering with their pleasures. The rigour of the archbishop produced an effect contrary to his expectations; and instead of strengthening the prelacy, he surrounded it with a multitude of enemies, ready to join at the first favourable moment in subverting the church from its very foundations†.

* See two commissions for the repairs of St. Paul's, in *Bibliotheca Regia*, 244—268, April 10, 1632, and Dec. 30, 1634.

† See Clarendon (i. 94), and the history of several prosecutions in this court in *Frynne*. (*Canterbury doome*, 93—102.) One of them I shall notice on account of its singularity. The viscountess Purbeck, with whom the reader is already acquainted, had been convicted of adultery with sir Robert Howard, and adjudged to do penance barefoot, and in a sheet, in the Savoy church. She, however, contrived to escape in a man's dress, joined her paramour at his house in the country, lived with him some years, and bore him several children. In 1635, both ventured to return to Westminster. The king mentioned the fact to Laud, who apprehended them, confined the knight in the fleet, and sent the lady to the Gatehouse, with an order that she should perform her penance the next Sunday.

III. In the council no man more fearlessly opposed the policy of Laud than the earl of Portland, lord treasurer. In 1635 his death freed the archbishop from a most formidable adversary; the treasury was put into commission; and Laud himself took his place at the head of the board. With his characteristic impetuosity he plunged into an ocean of business, with the nature of which he was unacquainted. He soon became the unsuspecting tool of designing men, of contractors, who offered to him projects for the improvement of the revenue, while they sought nothing in reality but their own interest; and he found himself for months together involved in daily quarrels with his colleagues, particularly with lord Cottington, the chancellor of the exchequer. At the expiration of the year, he advised the king to dissolve the commission, and to give the white staff to his former school-fellow, Dr. Juxon, for whom he had lately obtained the bishopric of London. The appointment excited general surprise; its object is disclosed by the remark of Laud in his Diary; "Now if the church will not hold up themselves under God, I can do no more." Juxon, however, though he entered upon office under unfavourable circumstances, though he was not formed by nature or education to enforce illegal measures, or to buffet with the turbulence of the times, executed his trust with such integrity and forbearance, that he incurred a smaller degree of odium than any other member of the administration. When they were respectively censured by the long parliament, he passed through the ordeal without a stain, and car-

Howard, by a friend, corrupted the fidelity of the warden; lady Purbeck escaped to Guernsey, and thence to France, and the high commission court condemned sir Robert to close confinement till he should produce the fugitive. Three months later he was liberated on his bond of 2000*l.*, never more to admit her into his presence, and of 1500*l.* on his own security, and that of his brothers, for his appearance whenever he should be called upon. In the long parliament the lords gave him 1000*l.* damages, 500*l.* from the archbishop, and 250*l.* from Martin and Lambe, the judges of the court. See the Strafford Papers, I. 390. 423. 436. 434. 447. *Lords' Journals*, 112. 117. *Laud's Troubles*, 146.

ried with him from office the respect of the very men who suppressed both the order to which he belonged in the church, and the party with which he was connected in the state*.

One of the great discoveries made by the commissioners of the treasury regarded the royal forests and chases. These, which were known to have been of enormous extent in the time of the Norman kings, had in the lapse of five centuries been considerably reduced; nor was it an easy matter to ascertain whether the lands and rights now claimed by different individuals, were originally derived from unauthorized encroachments, or from the grants of the sovereign. The commission took^{1635.} advantage of the uncertainty, and the earl of Holland^{April} accepted the office of chief justice in eyre south of the^{7.} Trent. With the aid of several judges as assistants, he held his court successively in the different counties; inquiries were made into the original boundaries of the forests; and the landholders were summoned to prove their titles, or otherwise to answer for their encroachments. The most alarming reports prevailed, and it was believed that the greater portion of every shire in England, with the exception of Kent, Surrey, and Sussex, would be claimed as belonging to the king. Holland's progress was stopped by the troubles which followed, but he had previously brought immense sums into the treasury by the fines which he levied, or the compositions which he extorted from the numerous individuals, who were adjudged to have trespassed on the lands or rights of the crown†.

This, though an enormous abuse, affected individuals

* Clarendon, i. 98. 99. Laud's Diary, 51. 53. Strafford Papers, i. 481. 438. 448. 449. 479. "We begin to live here in the church triumphant; and there wants but one more to keep the king's conscience to make up a triumvirate." Ibid. 593.

† Ibid. i. 410. 413. 425. 463. 467. "My lord of Salisbury was fined 20,000*l.*; the earl of Westmoreland 19,000*l.*; sir Christopher Hatton 12,000*l.*; my lord Newport 3000*l.*; sir Lewis Watson 4000*l.*; sir Robert Bannister 3000*l.*, and many others smaller sums," for encroachments on the forest of Rockingham alone. Ibid. ii. 117.

only; there was another grievance which soon extended itself over the whole kingdom. Noy, after his defection from the country party, retained that morosity of disposition, and that apparent independence of character, by which he had always been distinguished. But he was easily led by flattery, and the praises given to his learning and ingenuity by the ministers stimulated him to the discovery of a new and most productive source of income. He had found among the records in the Tower, not only writs compelling the ports, on certain occasions, to provide ships for the use of the king, but others, obliging their neighbours of the maritime counties to contribute to the expense. Hence he devised a plan, by which a powerful fleet might be procured without any additional charge to the revenue. It was a time when the right of the English crown to the dominion of the narrow seas was disputed*; the English fisheries were annually invaded by the Dutch and French mariners; unlawful captures were made by the cruisers of the different powers at war with each other, and the Turkish corsairs, in occasional descents, carried off slaves from the coast of Ireland†. To repel such aggressions served as a pretext; but there was another and secret object, for the accomplishment of which Charles required a numerous fleet. He was engaged in a new treaty with the king of Spain, who offered to procure the restoration of the Palatinate, on condition that Charles would previously aid him by sea, against the United Provinces, until they should consent to a reasonable peace‡. With this view writs were issued to London, and the different ports, ordering them to supply a certain number of ships of a specified tonnage,

* "The purpose and main work of the fleet is to recover the dominion maris." *Strafford Papers*, i. 416.

† "The pillage the Turks have done upon the coast is most insufferable; and to have our subjects ravished from us, and at after to be from Rochelle driven over land in chains to Marseilles, all this under the sun, is most infamous usage in a christian king." *Ibid.* ii. 25. also i. 68.

‡ *Clarendon Papers*, i. 75. 83. 104. 106. 109. 125. 214. 231.

sufficiently armed and manned, to rendezvous at Portsmouth on the first of March of the following year, and to serve during six months, under an admiral to be appointed by the king*. Noy, indeed, died before the writs were issued; but the experiment succeeded; the imprisonment of those, who refused to pay their share of the expense, enforced obedience; and the council resolved to extend the measure from the maritime towns to the whole kingdom. Writs were directed to the sheriffs, informing each that his county was assessed at a certain number of ships towards the fleet for the ensuing year; that the charge was estimated at a certain sum, and that he was required to levy that sum on the inhabitants, in the same manner as the subsidies had been usually raised. By this contrivance, the king obtained a yearly supply of 218,500*l.*; and it should be observed, that he carefully devoted it to the purpose for which it was demanded: a fleet of more than sixty sail annually swept the narrow seas, and the admirals, first the earl of Lindsey, afterwards the earl of Northumberland, received orders to sink every foreign ship which refused to salute the English flag†.

He was, however, aware that though he obtained the money, his right to levy it was denied by many—was questioned by most of his subjects. On this account, it became of importance to have the legality of the tax established by the decisions of the courts of law. Sir Robert Heath, the lord chief justice of the king's bench, was removed, and in his place was substituted sir John Finch, late speaker of the house of commons, a judge of inferior learning, but more courtly principles. Finch canvassed his brethren for votes: he visited each in private, and through his solicitations he obtained an unanimous resolution, that “as, where the benefit redounded to the ports and maritime parts, the charge

* Rushworth, ii. 257.

† Rushworth, ii. 257. 259. 335. 343. Strafford Papers, 337. 430. 435. 437. 463. 468.

1635. "was, according to the precedent of former times, law-
 Nov. "fully laid upon them; so, by parity of reason, where
 "the good and safety of the kingdom in general is con-
 "cerned, the charge ought to be borne by the whole
 "realm *." This, however, was satisfactory, only in as
 1636. much as it laid a foundation for future proceedings. In
 Feb. three months, two other questions were proposed to the
 12. judges: "1°. whether in cases of danger to the good and
 "safety of the kingdom in general, the king could not
 "impose ship money for its defence and safeguard, and
 "by law compel payment from those who refused: 2°.
 "whether he were not the sole judge both of the dan-
 "ger and when and how it was to be prevented." They
 assembled in the hall of serjeants' inn; ten decided in
 favour of the prerogative; and Crook and Hutton,
 though they dissented from their brethren, subscribed
 their names on the principle that the judgment of the
 majority was that of the whole body †.

By most of the judges it was supposed that this
 opinion had been required for the private satisfaction of
 the royal conscience. To their astonishment the lord
 keeper read it to the public in the star-chamber: it was
 14. ordered to be enrolled in all the courts at Westminster:
 and they themselves received instructions to repeat and
 explain it at the assizes during their circuits. The
 council was anxious to make it universally known, and
 anticipated from its publication the most beneficial re-
 sults. "Since it is lawful," observes lord Strafford,
 "for the king to impose a tax towards the equipment of
 "the navy, it must be equally so for the levy of an
 "army; and the same reason which authorizes him to
 "levy an army to resist, will authorize him to carry
 "that army abroad, that he may prevent, invasion.
 "Moreover, what is law in England, is law also in
 "Scotland and Ireland. This decision of the judges
 "will therefore make the king absolute at home, and

* Howell's State Trials, iii. 1304.

† Rushworth, ii. 352—358. Biblioth. Regia, 246—250.

“formidable abroad. Let him only abstain from war a few years, that he may habituate his subjects to the payment of this tax, and in the end he will find himself more powerful and respected than any of his predecessors*.”

But there still existed a man who ventured to dispute the pretended right of the crown. This was the celebrated John Hampden, a gentleman of Buckinghamshire; one so quiet, so courteous, so submissive, that he seemed the last individual in the kingdom to oppose the opinion of the judges. But under the appearance of humility and diffidence, he veiled a correct judgment, an invincible spirit, and the most consummate address. In 1626 he had suffered imprisonment for his refusal to pay his assessment towards the forced loan: a refusal which he justified by the danger of drawing upon himself the curse pronounced against the violators of Magna Charta: now, in similar manner, he ventured to meet his sovereign in a court of law, merely, as he pretended, to obtain a solemn judgment on a very doubtful question; though it was plainly his real object to awaken the people from their apathy, by the public discussion of a subject which so nearly concerned their rights and liberties. The sum 1637. demanded amounted to twenty shillings. Hampden May demurred to the proceedings in the court of Exchequer, 22. and the question was solemnly argued before the twelve judges during twelve days. In favour of the crown were adduced, 1°. the practice of the Anglo-Saxon kings, and the annual tax of danegelt towards the support of Nov. the navy; 2°. a multitude of precedents, proving that 6. former monarchs had pressed ships into their service, and compelled the maritime counties to equip them; 3°. the reasonableness of the claim; for unless the king possessed, in cases of danger, the right of calling on his subjects for aid, the country might receive incalculable injury before a parliament could be assembled. On the

* *Strafford Papers*, ff. 61, 62

other part it was contended that no argument could be founded on the imperfect hints in our ancient writers, respecting the danegelt, or the naval armaments of the Anglo-Saxon kings; 2°. that out of the multitude of precedents adduced, not one bore any resemblance to the present writs, which first ordered the inhabitants of the inland counties to fit out ships, and then to pay money in lieu of those ships; 3°. that no urgent necessity could be pleaded: for the writs had been issued six months before the ships were wanted, and consequently there was sufficient time in the interval to assemble and consult the parliament; 4°. that these writs were in opposition both to the statutes, and the petition of right, which provided that no tax should be levied on the subject without the consent of parliament; nor was it a valid objection, that the king could still levy an aid on the knighthood of his son and the marriage of his eldest daughter, for these cases were expressly excepted in Magna Charta, and virtually in the succeeding statutes. The judges delivered their opinions during the three next terms, four in each term. Seven pronounced in favour of the prerogative, and five in favour of Hampden; but of these, two only, Hutton and Crook, denied the right claimed by the crown; the others, while they acknowledged its existence, availed themselves of some technical informality, to decide against its exercise in the present instance*.

1638. The termination of this great trial, which had so long
 June. kept the nation in suspense, was hailed as an important
 12. victory by the court; but it was a victory deemed unjust by the people, and productive of ruin to the king. The reasoning in favour of the prerogative was universally judged weak and inconclusive; and men who had paid cheerfully, while they conceived the claim might be good in law, parted with their money reluctantly, after they had persuaded themselves that it was illegal. The authority

* Rush. 480—608. Howell's State Trials, iii. 826—1254.

of the judges had little influence on the public opinion : the merit of their determination rested on their arguments ; and the weakness of these induced men to believe that they had pronounced according to the dictates of interest rather than of conscience *.

But Charles was not satisfied with sowing the seeds of disaffection in England ; the same arbitrary sway, the same disregard of the royal word, the same violation of private rights, marked his government of the people of Ireland. Fearing that the expedition against Cadiz might provoke the Spaniards to make a descent on the island, he had ordered the Irish army to be increased to the number of 5,000 foot and 500 horse. To raise the men presented no difficulty ; but to provide for their support was a problem which lord Falkland, the deputy, knew not how to solve. He called together the principal proprietors : they consented to offer to the king a large sum of money in return for certain concessions ; and their delegates proceeded to London to arrange with the English council the particulars of the contract. A report was immediately spread that they had been instructed to solicit certain indulgences in favour of the catholic recusants, who formed two-thirds of the meeting. The very sound of the word "indulgence" alarmed the zeal of Usher, archbishop of Armagh, who called to him eleven other prelates ; and the declaration of the synod was solemnly promulgated before the chief governor, in Christ church, Dublin, by Downham, bishop of Derry . 1°. That to permit the free exercise of the catholic worship would be a grievous sin, because it would make the government a party not only to the superstition, idolatry, and heresy of that worship, but also to the perdition of the seduced people, who would perish in the deluge of catholic apostacy ; 2°. that to grant such toleration for the sake of money to be contributed by the recusants, was to set religion to sale, and with it the souls of the

* Clarendon, i. 69.

people whom Christ had redeemed with his blood*. This doctrine was undoubtedly in unison with the intolerant maxims of the time: but Charles did not balance between his orthodoxy and his interest; he gladly accepted the offer of 120,000*l.*, a larger sum than had ever been given to his predecessors, to be paid by equal instalments in the course of three years; and in 1628. return he granted, under his own hand, one and fifty May graces (so they were termed), by which, in addition to 24. the removal of many minor grievances, it was provided that the recusants should be allowed to practise in the courts of law, and to sue the livery of their lands out of the court of wards, on taking an oath of civil allegiance in lieu of the oath of supremacy; that the undertakers in the several plantations should have time allowed them to fulfil the conditions of their leases; that the claims of the crown should be confined to the last sixty years; that the inhabitants of Connaught should be permitted to make a new enrolment of their estates; and that a parliament should be holden to confirm these graces, and to establish every man in the undisturbed possession of his lands †.

The delegates returned to Ireland, with instructions to the lord deputy, who hastened to summon a parliament, before he had complied with the conditions required by Poyning's statute. The writs were undoubtedly illegal, but the error, whether it were intentional or not, might have been remedied by the issue of other writs, in a more legal form. Nothing, however, was done. The Irish, though surprised, waited with patient reliance on the honour of their sovereign; nor did the suspicion enter into their minds that he meant to receive their money, and yet refuse to redeem his pledge.

But the lord Falkland was not the man to carry into execution the dishonest projects of the English council. He was recalled to make place for the viscount Went-

* Cyp. Anglic. 306.

† See the graces at length in the *Strafford Papers*, i. 312.

worth, who, without resigning his office of lord president of the north, accepted that of chief governor of Ireland. 1632. Wentworth brought with him to the service of his sovereign that austerity of disposition and that obstinacy of purpose, which had formerly earned for him the hostility of the king and of his favourite. He had once been the zealous champion of the rights of the people: he now knew no rights but those of the crown. Ireland, he maintained, was a conquered country; whatever the inhabitants possessed, they derived from the indulgence of the conqueror; and the imprudent grants of preceding kings might be resumed or modified by the reigning monarch. With these principles he proceeded to Dublin, assured of the protection of Charles, and strengthened by the influence of his friend, archbishop Laud. His very arrival formed a new era in the government of the island. He 1633. ordered the ceremonial of the British court to be observed within the castle; a guard, an institution unknown under former deputies, was established; and the proudest of the Irish lords were taught to feel the immense distance which separated them from the representative of their sovereign*.

Wentworth had engaged to raise for the king a permanent revenue, which should free him from all dependence on the bounty of the people. But this, he observed, must be the work of time; and in the interval, after he had first cajoled the catholics, and terrified the protestants into a continuation of the voluntary assessment†, he ventured to summon a parliament. Charles expressed his alarm; but the deputy had taken the most effectual measures to ensure success. With the 1634. writs he issued a hundred letters of recommendation in favour of particular candidates; and procured a royal order to the absent peers to forward blank proxies to the council, that they might be filled up with such names as he should direct. Their number was considerable.

* Strafford Papers, i. 96. 112. 134.

† Ibid. i. 71. 74. 76. 134.

They were for the most part natives of England or Scotland, who had no other connexion with Ireland than the titles, which they had solicited or purchased from Charles or his father *.

- When the parliament was opened, the lord deputy announced his intention of holding two sessions, one for the benefit of the king, the other for that of the people.
- July 14. In the first he obtained six subsidies of larger amount than had ever been granted before ; but the commons voted them cheerfully, under the persuasion that in the next session they should obtain the confirmation of the graces †. They were grievously disappointed. In that session he informed them, that of these favours so long promised, and so anxiously expected, some were fit to be passed into laws, and some would be carried into execution by the order of government ; but that the others bore so hard on the royal claims, that the king could not in justice, or honour, or conscience, suffer them to be established. From that moment harmony was succeeded by dissension. Wentworth, with the aid of promises and threats, obtained a majority of sixteen voices ; the opposition was compelled to yield, and though several laws of great utility were passed, the most important of the concessions which had been promised, as part of the contract in 1628, were peremptorily refused ‡.
- Dec. 18. From the convocation Wentworth obtained eight sub-

* Ibid. 186, 187. 246. 259. Charles writes to the deputy, " It will not be worse for my service, though their obstinacy make you break them ; for I fear that they have some ground to demand more than it is fit for me to give." P. 233.

† In former times, a subsidy in Ireland meant a decennial tax of a mark on every plough-land which had been manured.—a condition which opened a way to innumerable frauds in the collection. On this occasion the subsidy was changed into the payment of four shillings in the pound on land, and of two shillings and eight-pence on goods after the manner of England. This from the commons amounted to 40,000*l*. The subsidy of the lords was rated at four per cent. on their rents, and produced 6000*l*. Ibid. 400. Carte's Ormond, i. 62.

‡ Strafford Papers, 280. 312. 350. 414. The artifices employed to take from the king the odium of breaking his word, and to attribute the refusal of the graces to the advice of the council, may be seen. Ibid. 280. 317. 320.

sides of 3000*l.* each. But this ample grant could not save the Irish clergy from the mortification which had been prepared for them by archbishop Laud, who deemed it an object of the first importance to unite the protestant churches of England, Scotland, and Ireland, in the profession of the same doctrine and the observance of the same discipline. The Irish prelates demurred. Theirs, they contended, was a distinct and independent church; they owed no obedience to the archbishop of Canterbury; they were satisfied of the truth of the Irish articles, erroneous as they might appear to the enemies of Calvin, and the admirers of Arminius. The deputy sought at first to sooth their feelings. He assured them that no claim of superiority was set up by the English metropolitan; he was willing that the Irish articles, the idols of their adoration, should be suffered to die away without censure or notice; he even granted them permission to compose a new code of ecclesiastical discipline. But at the same time he required that this code, how much soever it might differ in form, should not depart in substance from that of the English church, and that one of its canons should include an unlimited admission of the thirty-nine articles. To his surprise he was informed that, in defiance of his command, the divines, intrusted with the compilation, had introduced a canon enjoining the admission of the Irish articles, under the penalty of excommunication. He sent for the archbishop and the committee, took the minutes into his own possession, reproached the chairman with having acted the part of Arminius, and forbade him to make any report of the proceedings to the convocation. He then imposed on Usher the task of framing a canon authorizing the English articles: but the labour of the primate did not give satisfaction; Wentworth drew one himself and sent it to the house, Dec. 19. with orders that no debate should be permitted, and that the names of those who voted against it should be re-

ported to him. One man only was found, who dared to dissent; the rest submitted with feelings of indignation and shame*.

When the lord deputy reviewed the proceedings of the convocation and the parliament, he hastened to express his satisfaction to his friend, the archbishop. He had assimilated the Irish to the English church; he had eluded the confirmation of the graces; he had obtained a supply, which would not only pay off the debts of the crown, but defray for some years the extraordinary expenses of the government. "Now," he exclaimed, "I can say that the king is as absolute here, as any prince in the whole world can be, and may be still, if it be not spoiled on that side †." His success stimulated him to carry into execution the other plans which he had formed for the improvement of Ireland. Of these the most important in his judgment was the extinction of the ancient worship, a work not to be precipitated by violence, but to be silently effected by the gradual operation of the law. Under the notion that the attachment of the lower orders to the catholic faith sprung out of their aptitude to imitate the conduct of their chiefs, he had persuaded himself that, if the principal landholders could be induced to conform, the great mass of the people would spontaneously follow their example. With this view he restored to full activity the oppressive powers of the court of wards. The catholic heir, if he were a minor, was educated by order of the deputy in the protestant faith: if of age, he was refused the livery of his lands, till he had abjured his religion by taking the oath of supremacy. The abolition of this grievance had been solemnly promised by

* *Strafford Papers*, i. 298. 329. 342. 381. *Wilkins*, *Con.* iv. 496, 516.

† *Strafford Papers*, i. 344. On this account he wished to prorogue, and not to dissolve, the parliament: because he might find it useful to assemble it again. But Charles insisted on a dissolution. "My experience shows they are of the nature of cats, that they grow crusty with age: so that if ye will have good of them, put them off handsomely when they come of any age, for young ones ever are most tractable." *Ibid.* 385 Jan. 22.

Charles in the contract of 1628 ; but Wentworth, as we have seen, was careful to prevent the confirmation of that contract. He went even farther. To elude the claim of the crown to the wardships, and to prevent the necessity of suing out the livery of lands, the catholics had been accustomed to alter the property of their estates, by long leases of some hundred years, and feoffments to secret trusts and uses. But such expedients were now rendered unavailable by an act passed at the suggestion of the lord deputy, which provided that all persons, for whose use others were seized of lands, should be deemed in actual possession thereof, and that no conveyance of any estate of inheritance should be valid, unless it were by writing and enrolled in the proper court*.

The reader will have observed in the history of the last reign, that one of the chief grievances in Ireland was the insecurity of landed property, arising from the dormant and unsuspected pretensions of the crown. By the contract of 1628, Charles had consented to confirm by act of parliament the titles of the existing possessors : but he was seduced from the performance of his word by the promises held out to him by the lord deputy, who had already arranged a most extensive plan of spoliation, and intended to claim the whole province of Connaught in right of the sovereign. He pretended that Henry III. reserving only five cantreds to himself, had given the remainder to Richard de Burgo, to be holden by him and his heirs of the crown ; that the rights of Richard had passed by marriage to the duke of York, the grandfather of Edward IV., and that they had descended from that prince to his legitimate suc-

* This he observes " was a mighty consideration, for formerly by means " of their feoffees in trust, their persons almost never came in ward, and " so still bred from father to son in a contrary religion, which now, as they " fall in ward, may be stopped and prevented." Strafford Pap. i. 344. Also 192. 312. 317. " Its consequence appears in the person of the earl of " Ormond, who, if bred under the wings of his own parents, had been of " the same affections and religion his brothers and sisters are : whereas " now he is a firm protestant." 11. 18.

- cessor, the reigning monarch. In the county of Ros-
- July 10. common a jury of freeholders, intimidated by his menaces and presence, returned a verdict in favour of the crown ; the same was the result in those of Mayo, Sligo, Clare, and Limerick ; but the men of Galway refused to surrender the inheritance of their fathers ; they pleaded that the grant of Henry was confined to the royalties, and did not affect the lands ; and they contended that the descent of Edward IV. from Richard de Burgo could not be proved ; that one important link in the chain was wanting. They were all catholics, and Wentworth had already expressed a hope that their obstinacy would afford him a pretext to mulct them more severely than
- Aug. the inhabitants of the other counties. He was gratified : the jury found for the freeholders ; and he immediately fined the sheriff 1000*l.* for returning such an inquest, and sent the members before the Castle-chamber in Dublin, where they were severally fined 4000*l.*, and consigned to prison during his pleasure. Wentworth now issued a proclamation offering the royal favour to all who would voluntarily surrender their lands, and threatening actions in the court of exchequer against the refractory. Instead of submitting they appealed to the equity of the king, first contending that the evidence given on the trial was in their favour, then proposing that the question should be submitted to the decision of the English judges, and lastly, offering to pay a fine of 8000*l.* for the confirmation of the composition, which their fathers had made with the crown in the reign of Elizabeth. But Charles acted by the directions of the deputy. The delegates were arrested by his orders, and sent prisoners to Dublin ; and the freeholders, deprived of all hopes of obtaining justice, successively made their submission. According to the original plan, it had been intended to return three-fourths of the lands to the possessors, and to reserve the remaining fourth, no less than 120,000 acres, for the crown, to be planted with Englishmen, on conditions which would bring a consider-

able yearly revenue into the exchequer : it was now proposed that the men of Galway should forfeit a larger portion, a full half, in punishment of their obstinacy. Wentworth, in the prosecution of his design, had ordered the necessary admeasurements to be made ; but he was prevented from proceeding by the events which soon afterwards deprived him of life. Enough, however, had been done to awaken a general feeling of discontent, and to alienate the affections of the natives from a government which treated them with so much deceit and oppression*.

The personal enmities of the lord deputy formed an additional cause of complaint. He was of a temper jealous, haughty, and impatient of contradiction. The slightest resistance to his will, the semblance of contempt of his authority, was sufficient to kindle his resentment ; and from that moment the unfortunate offender was marked out for ruin. He adopted the same motto with archbishop Laud : the word "thorough" was echoed back from one to the other in their private correspondence ; and the subject of their mutual exhortations was the rejection of half measures, and the necessity of enforcing obedience by the terror of punishment. In conformity with these maxims Wentworth spared no man whom he thought hostile to his views ; and his resentment fell with peculiar severity on almost every individual whom he found in the possession of office at his arrival. It must be admitted that they were not immaculate characters : in a government like that of Ireland, where fortunes were continually made at the expense of the crown or of the people, few public men could bear a close investigation into their conduct†; but

* *Strafford Papers*, i. 421. 442. 450. 464. 476. 494. 521.—ii. 26. 76. 82. 93. 98.

† Of Balfour in particular, we are told by Wentworth, that "he had done as many outrages and grievous misdemeanors as ever vizier has had done under the grand seignior. There was not such a tyrant in the king's dominions, who, utterly drunk with the vice of violence, had with unequal and tottering paces trod down his majesty's people on every side." *Strafford Papers*, ii. 245.

their real offence consisted not in their previous speculations, it was their want of zeal to concur with the deputy, their unguarded disapprobation of his measures, which entitled them to his enmity.

Dec. 12. It happened one day that Annesley, a lieutenant in the army, who had once been caned by Wentworth in a paroxysm of passion, placed a stool on the foot of the lord deputy when he was suffering from the gout. The circumstance was casually mentioned at the table of the lord chancellor, and lord Mountnorris, the vice-treasurer, exclaimed, "Annesley has a brother who would not have taken such a revenge." These words were reported to Wentworth, who was dissatisfied, and perhaps justly, with the conduct of Mountnorris in his office. He dissembled for a time, but six months later the vice-treasurer (he bore a captain's commission) was summoned before a court-martial, on a charge of mutiny founded on this very expression. The deputy appeared both as prosecutor and president; and, though he took no part in the deliberation of the court, pronounced the judgment, that the prisoner had been guilty of a breach of the thirteenth article of war, and should therefore suffer death. He did not, however, carry it into execution. He had sufficiently humbled Mountnorris; and, now that his pride had been gratified, he joined with the court in recommending him to the king as a fit object of mercy*.

1636. July 20. Men had long complained of Wentworth's despotism: this last act of oppression seemed to unite every voice against him. Though Charles assured him of his protection, he deemed it expedient to answer his accusers in person; and having obtained permission to visit his estates in Yorkshire, improved the opportunity to pronounce before the king and council an elaborate, and, in many respects, a plausible, defence of his administration. He had bettered, he observed, the condition of the clergy,

* *Stratford Papers*, i. 392. 448. 497—501. 508. 509. 512. 514. 519. *Clarendon Papers*, i. 449. 543. 594.

had disciplined the army, had improved the revenue, had purified the courts of justice, had cleared the seas of the pirates, and had encouraged the growth of flax and the manufacture of linens*. Insinuations had, indeed, been thrown out, as if he had treated with undue severity the most faithful officers of the crown. But it should be recollected that Ireland was not, as England, a country where men had been taught by habit obedience to the laws. There the authority of the king had been perpetually controlled by the influence of his servants. To re-establish order it was necessary to make the highest subjects feel that they were amenable to the law ; and to teach all, by the punishment of a few, that under a wise and righteous monarch, no rank, no wealth, no connexions, could screen the guilty from the retribution due to their transgressions. Charles applauded the vigour of his deputy ; and Wentworth returned in triumph to Ireland †. If we consider him merely as a servant, with no other duty to perform than to seek the immediate profit of his master, he was certainly deserving of the praise and gratitude of the king ; but he had broken the royal word to the natives, had harassed them by fines, compositions, and plantations, and had incurred the hatred of all ranks of people, whatever was their origin or whatever their religion.

Much, however, as the people of Ireland and England were aggrieved, they betrayed no disposition to oppose open force to the unjust pretensions of their sovereign : it was in Scotland that the flame was first kindled, which gradually spread, till it involved the three kingdoms in one common conflagration. When Charles returned from his visit to his native country in 1633, he brought back with him strong feelings of resentment against the

* He had spent 1000*l.* in the purchase of flax-seed, and had procured workmen from Flanders ; but at the same time he endeavoured to root out the manufacture of wool, that the Irish might not be able to compete with the English, but should be obliged to depend on them for clothing. *Clarendon Papers*, ii. 19.

† *Clarendon Papers*, ii. 16—21.

lords who had ventured to oppose his favourite measures in parliament. Among these one of the most distinguished for his patriotism or obstinacy was the lord Balmerino, who was soon made to learn that the pleasure of the sovereign could not be resisted with impunity. During the parliament a petition in favour of the dissidents had been prepared, though on consideration it was deemed prudent not to present it. It was drawn in language which must have proved ungrateful to the royal ear, and abounded in offensive insinuations, which it is acknowledged were incapable of proof. Some copies of this instrument crept afterwards into circulation, and one of them was traced to Balmerino, who had in confidence and under a promise of secrecy communicated it to a friend. He was committed to prison. Spotiswood, archbishop of St. Andrew's, hastened to London, and it was resolved to prosecute the obnoxious nobleman on two statutes passed in the late reign, by one of which to utter slander against the king's person, estate, or government, by the other not to apprehend or reveal the known author of such slander, were made crimes punishable with death. The exceptions taken against the dittay or indictment were repelled by the court; and the fact of Balmerino's guilt as to the concealment of the author was affirmed by a majority of eight jurors against seven. But judgment of death was not pronounced: the people assembled in crowds; and plans were arranged to massacre both the jurors who had given the verdict, and the judges who had presided at the trial. Traquaire, the lord treasurer, hastened to procure a respite. The dissatisfaction of the people, the novelty of the prosecution, and the cruelty of inflicting capital punishment where opinion was so divided as to the guilt or innocence of the prisoner, were repeatedly suggested to the royal consideration; and Charles, after a delay of some months, ungraciously and reluctantly signed a pardon. That resentment had some share in this most odious prosecution cannot be doubted: but the

king failed in his principal object; he sought to intimidate, to tame the stubborn spirit of his countrymen, and to bend their necks to that yoke which was already prepared for them by archbishop Laud and a junto of Scottish prelates. But the danger of Balmerino produced an opposite effect. The people could not be persuaded that he had been guilty of any other offence than his previous advocacy of their rights and religion: warned by his example, they resolved to stand by each other; they watched with jealousy every proceeding of the court; and were ready, on the first provocation, to unite as one man, in the defence of their liberties and of their kirk*.

The king's father in 1616 had extorted from the general assembly an act authorizing the composition of a book of common prayer, and a code of ecclesiastical law; two concessions most hateful to the feelings of orthodox Scotsmen, because the one tended to abolish the use of extemporary prayer, the other to subject the conduct of ministers to the control of the bishops. A liturgy, however, was compiled: it received several corrections from the pen of the royal divine, and was sent back to Scotland for the further consideration of the prelates. But the disrepute in which the assembly of 1616 was held, and the resistance which had been made to the five articles of Perth, damped the zeal both of the king and of the bishops; and the project seemed to have died away, when it was afterwards revived in 1629 by the piety or policy of Charles †. Laud, indeed, la-

* Howell's State Trials, iii. 591—719. Balfour, ii. 216—220. Burnet's Own Times, i. 25. Laud's Troubles, 94. The justice-general "found and declared that Balmerino had incurred the pain of death contained in the "acts of parliament," (State Trials, 712,) "but the sentence pronouncing "against him was delayed, sore against the bishop's will (quo he raged "lyke a tempestuous sea therat) until his majestie should be adwer-tised." Balf. ii. 219.

† Though the covenanters attribute this "novation" to Laud, he solemnly declares in the History of his Troubles, that he received the first notice of it from the king during his sickness in 1629. Laud's Troubles, 169.

boured strenuously to establish at once the English liturgy: but his reasoning and influence were compelled to yield to the obstinacy of the Scottish bishops, who deemed it a disgrace to their country to owe either the service, or the discipline of their church, to their English neighbours. To four of the prelates, whose principles or subserviency had lately raised them to the episcopal dignity, the king assigned the task of compiling the code of ecclesiastical law, and the form of public worship, but with instructions that the first should combine a selection from the acts of the Scottish assemblies, together with the more ancient canons, and that the second should carefully preserve the substance, though it might recede in a few unimportant particulars from the English liturgy. Each, as soon as it was completed, was submitted to the revision of the prelates of Canterbury, London, and Norwich; several corrections and improvements were suggested and admitted; and the amended copies received the royal approbation. Charles ordered both to be published and observed: but the canons made their appearance nearly a year before the service*.

1636. It was certainly a bold and chivalrous attempt. Charles had no right to impose on the nation a new form of worship, or new rules of conduct abhorrent from its religious habits and persuasion. He was not by law the head of the Scottish church: he had not obtained the sanction of the assembly or of the parliament; nor could he expect that the clergy would resign, at the mere pleasure of the sovereign, their legislative power, or the use of extemporary prayer†. They cherished these privi-

* *Bibliotheca Regia*, 125—138. The fourth canon of chapter viii. provides that "as no reformation in doctrine or discipline can be made per se at once, it shall be lawful for the kirk at any time to make remonstrances to his majesty," &c. The Scottish bishops deemed this canon of great importance, and begged it might not be altered. Laud approved of it, but expressed his satisfaction that "its true meaning remained still under the curtain." Dalrymple, ii. 13. Laud's Troubles, 101.

† The king enjoined both the book of canons and the new service by "his authority royal." *Bib. Regia*, 136. 138. Balfour, ii. 224.

leges as belonging to them of divine right; they boasted that they were not fettered and shackled with forms and rubrics; they claimed the right of introducing all subjects of local or national interest into their addresses to heaven, and of kindling the passions of their hearers by the solemnity of their appeals to the knowledge and justice of the Almighty. The publication of the book of canons had put them on their guard; and the moment the liturgy was announced, woes and curses were 18. showered from every pulpit on the heads of the men, who sought "to gag the spirit of God, and to depose " Christ from his throne, by betraying to the civil " magistrate the authority of the kirk." These denunciations created a spirit of the wildest fanaticism: but while resistance was threatened and prepared, the leaders, with a degree of caution which seldom accompanies religious enthusiasm, contrived to eschew danger to themselves by transferring the pious task "to the christian valyancie of the godly women."

On the appointed day the bishop and dean of Edinburgh, accompanied by the lords of the council, the judges, and the magistrates, proceeded to the high church, which had been selected for the cathedral*. It was already crowded, and chiefly with females. From the moment the dean commenced the service, nothing was to be heard but groans, hisses, and imprecations. The women of all ranks began to exclaim that "the " mass was entered, that Baal was in the church:" they upbraided the minister with the most injurious names and epithets; he was "a thief, a devil's gett, and of a " witchen's breeding:" Janet Geddies threw the stool, on which she had been sitting, at his head: and other stools with a shower of clasp-bibles followed†. The dean,

* That part which has since been turned into a police-office: the east end was under repair.

† "Ane godly woman when sche hard a young man behind sounding " forth *amen* to that new composed comedie, sche quicklie turned her " about, and after sche had warmed both his cheeks with the weight of her " hands, sche thus shot against him the thunderbolt of her zeal. ' False

alarmed at the danger, resigned the post of honour to his superior in dignity and courage, the bishop: but no sooner had that prelate opened his mouth, than his voice was drowned amidst cries of "fox, wolf, and "belly-god," (an allusion to his corpulency,) and in a few moments a stool, which, flung from a strong arm, whizzed close by his ear, admonished him to make a precipitate retreat. In this stage the magistrates by their exertions succeeded in excluding the most riotous from the church: the doors were locked, and the service proceeded amidst repeated interruptions from showers of stones which demolished the windows, and from loud cries from the people without, of "a pape, a pape, anti-christ, stane him, pull him down." At the conclusion the prelate departed in haste to his lodging in the high-street, but was overtaken by a crowd of female saints: and though he at first disengaged himself, and reached the door, was again seized, dragged down the stair, thrown on the ground, and rolled in the mire*. In the afternoon precautions were taken, and the service was read with little interruption to a small and select auditory, from which all the "weiffes" were excluded; but the bishop, on his appearance in the street, found himself in greater danger than before; and would have met with the fate of St. Stephen, had not the earl of Roxburgh snatched him from martyrdom, and afforded him an asylum in his carriage. The women, however, followed, shouting and hurling stones, till the gates of Holyrood-house closed upon him, and disappointed the vengeance of his pursuers†.

" 'thief,' said she, 'is there na uther pairt of the churche to sing mass in
" 'but thou must sing it at my lugge?'" Balfour, *Stonie field day*.

* "Neither," says sir James Balfour, "could that lubbarly monster
" with his satine gown defend himself by his swollen hands and greasy
" belly, bot he had half a dissen neckfishes to a reckoning."

† Compare Nalson, i. 6—8. Guthrie, 23. Baillie, 5. Clarendon, i. 109
with several original passages collected by the industry of Mr. Brodie, ii.
452. It appears that the women in all places were put in the front of the
rioters. In the synod of Glasgow, William Annan had, in a sermon
spoken favourably of "the buke." "At the outgoing of the church about
thirty or forty of our honestest women, in one voice before the bishop

Such an outrage under a vigorous government would have been met with prompt and adequate punishment: but the ministers of the crown in Scotland were slow to engage in a contest in which they felt no interest, and the issue of which seemed more than doubtful. They saw that the strongest prejudice against episcopacy existed among their countrymen; that the restoration of the order was connected in the minds of the nobility with the probable loss of the church lands still in their possession; and that the introduction of eight prelates into the council, the appointment of one to be chancellor, and the power assigned to them of choosing the lords of the articles in the last parliament, had excited jealousies and apprehensions in the higher as well as in the lower classes*. Under such discouraging circumstances they shrunk from the contest, and left the execution of the royal will to the earl of Traquair, the treasurer; an unwelcome and invidious task, which drew on him the resentment of his countrymen, without securing to him the gratitude of his sovereign. The failure of every measure prescribed by Charles induced the prelate party to accuse him of treachery: his best justification will be found in the conduct of their opponents, who pursued him with unrelenting hatred, as their most vigilant and most dangerous opponent.

It will be easy to conceive the vexation of Charles when he became acquainted with the late proceedings in Edinburgh: but to recede was, in his estimation, to

"and magistrates, fell a railing, cursing, scolding, with clamours on Mr. Annan. . . . He is no sooner in the street at nine o'clock, in a dark night, with three or four ministers with him, but some hundreds of enraged women of all qualities are about him with neaves, staves, and peats, but no stones. They beat him sore. His cloak, ruff, and hat were rent. However he escaped all bloody wounds, yet he was in great danger even of killing." Baillie, 8.

* "I find this the prime reason of the nobility's proceedings—eight of the bishops being lords of the articles, who had the power to chuse other eight of the nobility, whom they knew most addicted to his majesty, and these sixteen the rest, so that all depended upon them, and they upon his majesty." Dalrymple's Memorials, 47.

subject the royal authority to the will of the multitude, and to prepare the way for similar outrages on the part of the English puritans. At the request of four ministers the Scottish council had suspended the letters of horning decreed against them, till the pleasure of the king could be ascertained. A messenger arrived; the lords were reprov'd for their backwardness, and the order for the use of the new service book was renewed. But by this time the number of the petitioners had multiplied; strangers of all ranks had crowded to Edinburgh to their support: solemn fasts had been observed to implore the protection of Heaven, and the most spirit-stirring appeals were made to the people in favour of the kirk. A second suspension followed, and the supplications of the multitude were forwarded to the court. Charles returned a similar answer; the public discontent increased; and a riot nearly conferred the crown of martyrdom on the lord treasurer and two of the prelates. The council, by the king's order leaving the capital, repaired to the palace at Dalkeith, and soon afterwards assented to a proposal that the petitioners should be represented by a deputation permanently resident in Edinburgh. The object of the king's ministers was to induce the crowds of strangers to withdraw to their homes: their opponents had a more important object in view. The nobles, the gentry of the counties, the clergy of the presbyteries, and the "indwell-ers" of the burghs, severally chose a "table" or board of four representatives; and each of these boards selected one from their number to form a committee of superintendence and government, with power to collect the opinions of the others, and to decide on all questions in the last resort. With these five boards in the capital corresponded others in the country; their orders were received with respect, and executed with promptitude; and in a few weeks the tables possessed and exercised an uncontrolled authority throughout the greater part of Scotland. The contrivers of this plan, and the leading members of

the committees, were the earl of Rothes, Balmerino, Lindsay, Lothian, Loudon, Yester, and Cranston*.

As the petitioners grew in numbers, they advanced in their demands. They required the formal revocation of the liturgy, of the book of canons, and of the court of high commission. They accused the bishops as the authors of the troubles which agitated Scotland; they "declined" their authority; they protested against every act of council, to which any of the prelates should be parties. At the expiration of seven weeks, Traquaire was ordered to publish a proclamation in Edinburgh and Stirling, declaring the tables unlawful, pardoning all who should peaceably return to their homes, and commanding all strangers to depart under the penalty of treason. But the petitioners were previously acquainted with this order; they met in considerable numbers both in Stirling and Edinburgh; and as soon as the herald had performed his office, read and affixed to the market-cross a counter protestation. This extraordinary procedure was held a sufficient ground to disobey the royal command †.

But the leaders of the anti-episcopal party adopted another and more efficient expedient. Under the auspices of Rothes, Balmerino, and Loudon, with the aid of Johnston of Wariston the advocate, and of Henderson the preacher, a form of covenant was devised with the view of uniting the whole nation into one dissenting body. To blind the ignorant and the unwary it began with the recital of one of more ancient date, containing a general profession of faith, and a minute abjuration of the doctrines and practices attributed to the church of Rome; to this was appended an enumeration of all the

* Ballie, 9, 10, 15, 23, 25. Rushworth, ii. 304. Hardwicke Papers, ii. 96, 103. Burnet, Memoirs of Hamiltons, 53. Nalson i. 16—18. It is plain that the consequences of his obstinacy were pointed out to the king by the council in Edinburgh. Hard. Pap. ii. 95—100. Balfour, ii. 229—238.
† Ballie, 18, 28, 29, 34. 42—44. Large declaration, 48. Hardwicke Papers, ii. 97—101. Rushworth, ii. 406. Nalson, i. 20—27. Balfour, ii. 240—249.

acts of parliament which confirmed the tenets and discipline of the kirk, and inflicted punishment on its opponents; and then followed the vow, in which the subscribers bound themselves, "by the great name of "the Lord their God," to defend the true religion, to resist all contrary errors and corruptions, and to stand to the defence of the king, his person and authority, in preservation of the religion, liberties, and laws of the kingdom, and to the defence of each other in the same cause, so that whatsoever should be done to the least of the subscribers on that account, "should be taken as "done to all in general, and to every one in particular;" clauses which, by limiting the obedience of the subject, were construed to authorize rebellion, whenever the measures pursued by the sovereign should be represented by the tables as contrary to the laws, or liberties, or religion of Scotland. By orders from the committees, every Scotsman who valued the pure faith and discipline of the kirk was summoned to the capital to observe a solemn fast, as a preparation for the renewal of the covenant between Israel and God; and on the appointed day zealots of each sex, and of every rank and profession, from the highlands as well as the lowlands, crowded to the church of the Grey friars. The service began with a fervent prayer from Henderson the minister, and an exciting speech from lord Loudon, the best of their orators: the congregation rose; and all with arms outstretched to heaven swore to the contents of the covenant. They shouted, wept, and embraced each other; God was appeased; their backsliding and apostacy were forgiven. From the capital the enthusiasm quickly diffused itself to the extremities of the kingdom: where good will was wanting, intimidation was applied: and the covenanters, in every county but that of Aberdeen, outnumbered their opponents in the proportion of a hundred to one*. The royal authority, though

Mar.
1.

* Baillie, 35. Rushworth, ii. 754—778. Guthrie, 34. 35. Hardwicke Papers, ii. 103. 107. "If you knew what odd, uncouth, insolent, and

still acknowledged, was no longer obeyed; and the government was in fact exercised by "the Tables."

James, on his accession to the English throne, had established a privy council of Scotsmen, charged exclusively with the affairs of their native country. By the advice of this council, after three months had been spent in deliberation, Charles resolved, in opposition to the remonstrances of his council in Scotland, to suppress the covenant by open force; and in the interval, while he made preparations for the contest, to send the marquess of Hamilton, as his commissioner, to Scotland. Hamilton ^{May 20.} was instructed to promise that "the practice of the liturgy" and the canons should never be pressed in any other "than a fair and legal way, and that the high commission should be so rectified as never to impugn the laws, or to be a just grievance to loyal subjects;" and that the king, instead of punishing those who had lately taken an illegal covenant, would pardon the offence, on condition that they should immediately renounce it, and deliver up the bond to the commissioner. ^{June 3.} He had invited the nobility to meet him at Haddington, but not a single covenanter appeared. Offended and mortified he continued his route to Dalkeith, where he received a visit from Rothes, and was induced by him to proceed to Edinburgh and reside at Holyrood house. In the mean time a national fast had been proclaimed: crowds hastened from all parts to Edinburgh; and on ^{June 8.} the day appointed for his removal the road along which he had to pass, from Musselburgh to Leith, and from Leith to the capital, was lined by a multitude of cove-

"ridiculous courses they use to draw in silly ignorant fools, fearful fashards, women and boys, I can hardly say whether it would afford his majesty more occasion of laughter or anger. . . . You could not have chused but laugh to have seen pipers and candle-makers in our town committed to the town-jail by our zealous Mr. Mayor; and herdmen and hiremen laid in the stocks up and down the country, and all for requesting to put their hand to the pen, as a thousand have done, who cannot write, indeed; and yet you would have laughed better to have seen the wives in Edinburgh, . . . so many of them as could not subscribe. . . . hold all up their hands when the covenant. . . was read, as soldiers do when they pass a muster." Dalrymple, ii. 25.

nanters, perhaps fifty thousand men, carefully arranged in several divisions, among which the most conspicuous was that of the clergy, amounting to five, some say seven hundred ministers. The pretence was to do him honour; the object, to make before him a display of their union, and numbers, and power.

Sept. 20. The commissioner, whether, as some thought, he secretly favoured the cause of the covenanters, or, as is more probable, he despaired of subduing or mollifying their obstinacy, suspended the execution of his instructions; made two successive journeys to London to convey information and receive the commands of his sovereign; and on his second return published a proclamation "discharging" the service-book, the book of canons, and the high commission court, dispensing with the five articles of the assembly of Perth, excusing the intrants into the ministry from the oath of supremacy and of canonical obedience, commanding all persons to lay aside the new covenant, and to take that which had been published by the king's father in 1589, and summoning a free assembly of the kirk against the month of November, and a parliament against that of May in the following year*.

These were concessions which, at an earlier period, would have been accepted with gratitude. But it was the misfortune of Charles not only to act with insincerity himself, but to be surrounded by counsellors equally insincere, who, while they sought to obtain his favour by conforming their advice to his wishes, were careful at the same time to purchase the good opinion of his adversaries by perfidiously communicating to them his real intentions. The Scottish leaders received inform-

* Baillie, 60. 79. Balfour, ii. 264—288. Rushworth, ii. 752. 754. 787. Burnet's Hamiltons, 82. 88. Nalson, i. 39—57. That Charles meant only to temporise appears from the Strafford Papers, ii. 181. 184—186. 188. and his letters to Hamilton, "Your chief end being now to win time; that they may commit public follies, until I be ready to suppress them." Burnet's Hamiltons, 55, 56, 57. 59, 60. "Volendo il re pigliar tempo col negozio anche fosse in ordine di opprimere i sediziosi a salva mano." Conn 30 Luglio, 1638.

ation that no reliance was to be placed on this apparent change of disposition in the monarch; that his object was to lull them into a fatal security, till he had completed his preparations for war; and that in a few months he would enforce whatever he had now withdrawn, at the head of a numerous and well-appointed army. They determined to persist in their union; and opposed to the royal proclamation a formal protest, showing by sixteen reasons that to assent to the demands of the king would be to betray the cause of God, and to act against the dictates of conscience*.

Sept.
22.

It was expected that Charles would forbid the meeting of the assembly; but he ordered the commissioner to attend, hoping that the violence of the members would provoke him to dissolve it, and would justify, in the opinion of his English subjects, his intended appeal to arms. The tables were masters of the elections; they procured one lay elder and four lay assessors to be returned from every presbytery; and thus, with the aid of their friends, became sufficiently numerous to control the few among the clergy who hesitated to approve of their proceedings. The assembly met at Glasgow, and a week was spent in violent and irritating debates. The commissioner protested against the part taken by the tables in the elections, against the introduction of the lay elders, a practice discontinued since the beginning of the last reign, and against the authenticity of certain written volumes which were produced, as containing the acts of more ancient assemblies, acts hitherto supposed to have been lost; but now most providentially discovered. On every subject he was overpowered by numbers; and, when Henderson, the moderator, prepared to put the question respecting the declinator of

Nov.
21.

22

* Rushworth, 779—780. Nalson, i. 64. Balfour, 292. There is in Dalrymple a curious letter of information from some friend to the covenanters, which shows that many Englishmen wished success to the Scots, with the view of emigrating to Scotland, that they might not be compelled to conform by the prelates in England. The writer therefore begs, that, whenever they agree to a pacification, one article may be that the subjects of each kingdom may freely dwell in the other, ii. 42.

the bishops *, he conceived that the moment described in his instructions was come, and, suddenly rising, dissolved the assembly. His manner, his tears, and his language, persuaded the members that, if his voice was against, yet his heart was with them; but, if we may believe his letter to the king, his distress arose from the calamities which he saw ready to burst on his country. He blamed both parties, the presumption and disobedience of the covenanters, the illegal proceedings, the ambition, and the immorality of several among the bishops; and, conceiving his life in danger, bequeathed his children to the care of his sovereign, that the sons might be bred, and the daughters married, in England. He added, that from Scotland he wished to be divorced for ever †.

But the assembly was not inclined to dissolve itself at the mere mandate of the sovereign. The earl of Argyll, though he was not a member, and had hitherto disguised his real sentiments, came forward to countenance their meetings, and bear witness to the "rightness of their proceedings." Encouraged by his presence, they passed a resolution that in spiritual matters the kirk was independent of the civil power, and that the dissolution of the assembly by the royal commissioner was illegal and void. The three next weeks were employed in the revision of every ecclesiastical regulation introduced since the accession of James to the crown of England. The liturgy, ordinal, book of canons, and court of high commission were condemned; episcopacy was abolished; and the bishops themselves, with the ministers, the known fautors of the bishops, were Dec. excommunicated or deprived. Charles by proclamation
20. annulled these proceedings; the Scots received them with transports of joy, and celebrated a day of na-

* The declinator was a protestation against the authority of the assembly. It is in Nalson, i 249.

† Hardwicke Papers, ii. 113—121. Baillie, 96—113. Rushworth, ii 840—857. Balfour, 301—303

tional thanksgiving for their delivery from prelacy and popery*.

While the covenanters thus steadily pursued the abolition of episcopacy, they were not inattentive to the danger which threatened them from England. Their preparations for war kept pace with those of their sovereign. In military matters they had recourse to the ^{1639.} experience of Alexander Leslie, an adventurer, who had ^{Jan. 5.} served under the king of Sweden in the wars of Germany, had risen to the rank of field-marshal, and had returned lately with considerable wealth to his native country. In conformity with his advice the supreme committee in Edinburgh issued its commands to the inferior boards in the several presbyteries, and religious enthusiasm ensured obedience. Every man capable of bearing arms was regularly trained; officers, who had grown old in actual service, hastened from the Swedish and Dutch armies to animate and exercise their countrymen; and arms and ammunition were furnished by the Scottish merchants in Holland. Money was the principal desideratum. A scanty supply was obtained from some of the rich citizens in Edinburgh; many of the nobility sent their plate to be coined at the mint; and a liberal present was received, in the name of the French monarch, from a secret and unexpected friend, the cardinal Richelieu.

It may appear strange that Richelieu should voluntarily offer assistance to the disaffected subjects of a prince in amity with his own sovereign, and married to a daughter of France. That minister was actuated by motives of public and personal interest. Charles had formerly excited rebellion in France, by sending the expedition under Buckingham to take possession of the isle of Rhé: he had by his opposition and menaces defeated the cardinal's plan of partitioning the Spanish Netherlands between France and the States according to the treaty of Paris; and had, during the war against

* Hardwicke Papers, ii. 124. Baillie, 115—142. Rushworth, ii. 872. 875—881. Nalson, i. 97—120. Balfour, 303—315.

the house of Austria, betrayed a secret leaning to the cause of Spain, through the hope of obtaining the palatinate for his nephew*. In these instances he opposed the general policy of Richelieu: in another he offered him a personal offence, by opening in his dominions an honourable asylum to Mary of Medicis, the queen mother, once the cardinal's patroness, but of late years his most dangerous enemy†. On these accounts Richelieu instructed the French ambassador to open a clandestine intercourse with the insurgents; despatched Chambers, his almoner, and a Scotsman, to inquire into the origin and progress of the troubles in Scotland; procured the release of 6000 stand of arms, which had been bought for the covenanters and seized by the states of Holland; and ordered the French ambassador in London to pay one hundred thousand crowns to general Leslie, who was appointed commander-in-chief‡. But the last transaction was kept a profound secret from all but the leaders. Had it been known to the ministers, their bigotry would have pronounced it a sacrilegious violation of their covenant with the Al-

* As Charles could not foresee the issue of the contest, he negotiated with each in favour of his nephew. Richelieu would promise nothing, unless the English king should openly join in the war, who refused to break with Spain, but would allow an auxiliary force of 6000 men to be raised in England, and the co-operation of an English fleet. At length he was drawn much further: but the cardinal contrived to spin out the negotiation for three years, till the troubles in Scotland relieved him from all apprehension on the part of Charles. See the Sydney Papers, ii. 374-669. It served admirably the cardinal's purpose of procrastination, that the earl of Leicester, the ambassador, was forbidden to meet the cardinal in person, that the latter might not claim the precedence. *Ibid.* 384-388.

† *Ibid.* 517-21. 569. 573.

‡ Dalrymple, ii. 47. *Nouvelles Lett. d'Estrades*, i. 8. Temple, ii. 545. Some hints of this intrigue had been received by government in July (Sydney Pap. ii. 563). It was discovered by Hamilton in March of the next year. (Conn to Barberini, 18 Mar. N.S.)—The following letter from Richelieu to d'Estrades proves his resentment against both the king and queen:—"Je profiterai de l'avis que vous me donnez pour l'Ecosse, et ferai partir l'abbé Chambre, mon aumônier, qui est Ecossois de nation, pour aller à Edinbourg attendre les deux personnes que vous me nommez, pour lier quelque négociation avec elles. L'année ne si passera pas que le roi et la reine d'Angleterre ne se repentent d'avoir refusé les offres que vous leur avez faites de la part du roi." Of the Scottish agents he says, "Vous avez rendu un grand service au roi d'avoir decouvert ces deux hommes. Assurez les de mon affection et de ma protection. *Ruel*, 2 Décembre, 1637." *Lettres d'Estrades*, i. 19.

mighty. Already, when it was proposed to solicit assist- from the Lutheran princes of Germany, and the catholic kings of France and Spain, they had replied that the Lutherans were heretics, the catholics idolaters; and that to have recourse to either would be to refuse the protection of God, and to lean to the broken reed of Egypt*.

It was not till after the first return of the marquess of Hamilton from Scotland, that Charles deigned to ask the advice of his English counsellors†. Laud, whether it was through a sense of duty, or through apprehension of the result, surprised his colleagues by the earnestness with which he argued in favour of peace. But his opposition served only to procure a short delay. The king had long ago taken his resolution: the archbishop was reprimanded for his pusillanimity; and the majority of the council hastened to determine in conformity with the pleasure of the sovereign. In the beginning of December the captains were named, and the general officers were appointed; the lords lieutenant received orders to muster the trained bands of the several counties, and the lord keeper sent a summons to each peer to wait on the king at York with a retinue suitable to his rank. To procure money loans were made, the pay- 27.
ment of pensions was suspended, the clergy, judges, and lawyers were called upon to contribute with their purses in lieu of their personal services; and the queen employed all her influence with the leaders of the catholics to obtain from them a liberal subscription in return for

* Baillie, i. 154.

† It has been believed, on the credit of the charges against Laud and Strafford, that they were the real authors of the war. It will, however, appear, from a careful examination of their private letters and other contemporary documents, that Laud dissuaded hostilities, and that Strafford's advice was not asked. The king inquired what aid he might expect from Ireland: and Strafford, in answer to a second letter, promised to send 500 men. He acknowledged, indeed, that the presumption of the Scots ought to be checked, but advised a middle course, so as neither to submit to their will, nor to make a rash and sudden declaration of war. See Laud's Troubles, 76. 168. Sydney Papers, ii. 579. Strafford Papers, ii. 187. 190. 228. 233. 264.

the indulgence which they had experienced from their sovereign*.

Charles, however, could not but remark the visible indifference of his English subjects. To the majority, discontented with the illegal tenor of his government, it was a matter of little concern, perhaps of real satisfaction, that the Scots refused submission to his mandates: the puritans openly condemned the war as an impious crusade against the servants of God; and the only persons who seemed to interest themselves in the cause, were the more orthodox of the clergy, and the few men of wealth and importance who depended on the favour of the court. It was in vain that the king by different proclamations pronounced the covenanters rebels, that he accused them of aiming at the separation of the Scottish from the English crown, and that he attributed to them the design of invading and plundering the northern counties. To such charges were successfully opposed the printed declarations of the tables, who called on God to witness their loyalty, and protested that, if they had taken up arms, it was in defence of the rights of conscience: let the king only cease from his religious innovations, and he would find them the most dutiful of his subjects†.

But these professions of obedience did not prevent them from being the first to commit hostilities. On a
 Mar. Friday in March the castle of Edinburgh was surprised
 21. by Leslie, at the head of one thousand musketeers; on
 22. the Saturday, the womanish apprehensions or wavering fidelity of Traquair surrendered the strong house of Dalkeith, and with it the regalia of Scotland; and on the next day the rest of the Sabbath and the observance

* Rushworth, ii. 791—797. 818. 820—826. Sydney Papers, ii. 579. Strafford Papers, 350, 351. Charles made an attempt to procure, through the agency of colonel Gage, a foreign army of 6000 foot and 400 horse from the archduke, in return for permission to raise a certain number of recruits from the Spanish army yearly in Ireland. It failed, because the archduke could not spare so large a force of veterans at that moment. Clarendon Papers, ii. 16—29. 50.

† Clarendon Papers, ii. 798—802. 830—833.

of a solemn fast were violated to obtain possession of the castle of Dunbarton. The governor, with part of his garrison, having left the church after the second sermon, was surrounded by a party of armed men, and compelled, under a menace of immediate death, to send for the keys, and deliver them to the provost of the town*. Thus, as Stirling was already secured by the earl of Marr, who had taken the covenant, of all the royal fortresses, one only, and that the least important, Carlaverock, on the western border, remained to the king. Every day brought him intelligence of some new disaster or disappointment. The earl of Antrim, who from Ireland menaced the possessions of Argyle, was unable to fulfil his engagement; Huntley, who had raised the royal standard in the north, was, after a private conference, treacherously detained by the covenanters under Montrose, and then conducted a prisoner to Edinburgh; and Hamilton, who entered the Frith with a numerous fleet, instead of occupying Leith according to his instructions, spent a whole month in useless and suspicious conference with the insurgents, and made no attempt to land on any part of the coast. Charles himself had repaired to York, where he proposed to the lords who accompanied him an oath of allegiance, binding them to oppose all seditions, conspiracies, and covenants against his person and dignity, even if "they came veiled under pretence of religion." To his surprise and indignation it was refused by the lords Brooke and Say, who to the interrogatories put to them replied that, though they could not be compelled by law, they were willing through affection, to accompany their sovereign; but that they were ignorant of the laws and customs of Scotland, and therefore unable to say whether the covenanters were rebels, or the war against them was just. The king ordered them to be confined, consulted the attorney and solicitor-general, and learned

Mar.
23.April
13.
May
1.April
19.

21.

* Belfour, ii. 320—323. Baillie, i. 158, 159. Nalson, i. 212.

with vexation that there existed no ground for criminal proceedings against the prisoners. After some days they were discharged*.

From York Charles advanced to the neighbourhood of Berwick; Leslie had fixed his head-quarters at Dun-
1639. glass. That general called for every fourth man from
May each presbytery; and, though the call was not exactly
23. obeyed, twelve thousand volunteers crowded to his standard. He demanded reinforcements; the ministers in the camp added written exhortations; and the instructions delivered to the messengers served to display the policy of the leaders and the feelings of the people. One was directed to call on every true Scotsman in the name of God and the country to hasten to the aid of his countrymen, with them to extort a reasonable peace from the king, or to seek in battle their common enemies, the prelates and papists of England. Another followed, denouncing the curse of Merodach against all who came not to the help of the Lord; and he was succeeded by a third, who, in bitter and sarcastic language, summoned the loiterers to attend the burial of the saints, whom they had abandoned to the swords of the idolaters. Such invitations produced impressions on minds deeply imbued with religious fanaticism; and Leslie's army gradually swelled to more than twenty thousand combatants, all enthusiasts in the cause, and ready to shed their blood for the Lord of Hosts. On the tent of every captain waved a new ensign, bearing a figure of the Scottish arms, with this motto: "For Christ's crown and the covenant:" each morning and evening the men were summoned by sound of drum to perform their devotions under the canopy of heaven; two sermons were preached daily to convince them of the righteousness of their cause and the protection of the Almighty; and of the remainder of their

* Bibliotheca Regia, 371—373. Clarendon Papers, ii. 38. 41. 45. The lords who had taken the oath signed a paper declaring the sense in which they had taken it. The king was displeased, and the oath laid aside. Strafford Papers, ii. 351.

time, whatever portion was not spent in martial exercises was devoted to the reading of the Scriptures, the singing of psalms, mutual exhortation, and extemporary prayer*.

To this army, thus animated by the most powerful May motives that can influence the human breast, Charles 28 could oppose an equal, perhaps superior, number of men; but men who felt no interest in the cause for which they were destined to fight, who disapproved of the arbitrary proceedings of their sovereign, and who had been warned that the suppression of the Scottish covenanters could only serve to rivet those chains which had been forged for themselves. The earl of Holland appeared before Kelso with a numerous detachment of June horse and foot: but at the sight of the Scots they turned 3. their backs, and Leslie, who considered procrastination equivalent to defeat, announced his intention of marching against the royal army, and advanced to Dunse-law opposite to the royal camp at the Birks. Charles, who had hitherto affected to despise the enemy, felt a sudden alarm; works were immediately constructed on the banks of the Tweed; and a page, who had obtained permission to visit his Scottish friends, received instructions to suggest the possibility of an accommodation. His meaning was understood: passports were solicited; 6. and commissioners proceeded to the English camp. They were received in the tent of the earl of Arundel: 11. but Charles took the negociation on himself; and for several days debated every point with an earnestness of argument and a tone of superiority, which seem to have imposed on his hearers of both nations. By his last answer, though he refused to acknowledge the assembly

* Baillie, 170. 175, 176. "Had you lent your ear, and heard in the tents the sound of some singing psalms, some praying, some reading scripture, you would have been refreshed. For myself I never found my mind in better temper than it was. I was as a man who had taken leave from the world, and was resolved to die in that service without return. I found the favour of God shining upon me, and a sweet, meek, humble, yet strong and vehement spirit leading me all along." Id. 178.

of Glasgow, he consented to ratify the concessions made by his commissioner, and to intrust the decision of all ecclesiastical questions to a general assembly, that of civil matters to the parliament, and to summon both to meet in the month of August. This answer was far from giving complete satisfaction; it made no mention of the abolition of episcopacy, and it affected to regard the proceedings at Glasgow as of no validity; but, on the other hand, many of the covenanters, partly from religious scruples, partly from the fear of irritating the people of England, refused to cross the borders. Reports were daily circulated of a descent from Ireland; and the issue of a rising of the royalists in the north under the Lord Aboyne, son to the earl of Huntley, was still uncertain. Under these circumstances the chiefs resolved

June 17. to accept the declaration, and engaged on their part to disband the army, and to restore the royal fortresses. By the more zealous of the covenanters they were reproached with apostacy from the cause of God and the kirk; and to vindicate themselves they published an apology, which was afterwards condemned by the English council as a false and seditious libel, and ordered

Aug. 4. to be burnt by the hands of the common hangman*.

Charles had promised and intended to proceed to Edinburgh, to hold the parliament in person. He was deterred by new instances of "valyancie" on the

July 2. part of "the godly females," who insulted with impunity his friends, even the first officers of state, whenever they appeared in public†. To gain the more

* Rushworth, ii. 945. 1023. Hardwicke Papers, ii. 130—141. Ellis, 2nd series, iii. 290. Sydney Papers, ii. 601. Biblioth. Regia, 181. Burnet's Hamiltons, 140. Nelson, i. 232—240, 251. Balfour, ii. 324—329. Balfour says that the paper burnt contained three or four articles signed by the king, but to be kept secret, that his honour might not be impaired, ii. 328. Yet in all the subsequent disputes we hear only of verbal promises, which the king was said to have made, and which some of the lords reduced to writing, that they might not be forgotten, 336, 340, 341. One of these was, that the clergy should not be comprehended in the article which restored to all the king's Scottish subjects the goods of which they had been deprived. Laud's Troubles, 170, 171.

† Baillie, i. 184. Rushworth, ii. 1024. Burnet's Hamiltons, 144.

moderate, and to discover the real views of the more violent among his opponents, he summoned fourteen of their number to attend him at Berwick: but distrust of the king, or consciousness of guilt, induced the majority to disobey; and only three commoners and three lords, Montrose, Loudon, and Lothian, ventured to wait on their sovereign. Of the latter, Montrose was made a convert, Loudon and Lothian were mollified by the con-
17. descension and protestations of Charles; while Hamilton by his dissimulation (he had previously received for that purpose a royal warrant and pardon) drew from the others many of the secrets of the party*. Before his departure for London the king appointed Traquaire to hold both the assembly and the parliament; imposing on him a task to which no human abilities were equal, —to guide the zeal, and moderate the language, of religious enthusiasts. He was, indeed, willing to tolerate what he had not the power to prevent; and, with the resolution of afterwards revoking whatever necessity should now compel him to grant, he allowed the commissioner to consent to the abolition of episcopacy, of
27. the service and the canons, of the articles of Perth, and of the high commission court; but at no events to admit of expressions which should designate these institutions and doctrines as unlawful in themselves, or contrary to the word of God. The assembly was first held: every
Aug. 6 deputy, before his departure from his presbytery, had been compelled to testify upon oath his adhesion to the late obnoxious assembly at Glasgow; and in the preamble to their acts they were careful to employ all those opprobrious and damnatory epithets, which the king regarded with so much horror. All that the commissioner could obtain was, that they should not be introduced into the clause of abolition itself, and that to the covenant should be added a more express declaration of
30. allegiance to the sovereign. Traquaire, though with

* Hardwicke Papers, ii. 141. Rushworth, ii. 955, 956. 1021.

reluctance, gave the royal assent to these proceedings, and the successful conclusion of the assembly was hailed by the people with shouts of triumph and prayers of thanksgiving*.

- Aug. In parliament the covenanters displayed equal firm-
 31. ness and obstinacy. Their object was two-fold, to supply the place of the spiritual lords, the bishops, who, after the act of assembly, no longer existed in Scotland, and to abridge the power which the crown had hitherto possessed of selecting the questions for discussion, and of influencing the voters in parliament. They permitted the commissioner for once to select the lords of the articles, but only as a matter of grace, and not of right; and proposed that the lesser barons, the commissioners of the shires, should for the future occupy the place of the bishops; that each estate should freely choose out of its own body a portion of the lords of the articles; that patents of peerage should be restricted to persons in actual possession of land-rents within the country to the yearly amount of 10,000 marks; that no proxies should ever more be admitted: that the castles of Edinburgh, Dunbarton, and Stirling, should be intrusted to the custody of none but Scotsmen; and that all acts in favour of episcopacy should be repealed. Traquaire felt himself too weak to stem the torrent; he prorogued the parliament during a few days, and Charles, approving his conduct, continued the prorogation for six months.
- Nov. This proceeding was met as usual with a protest against
 14. its legality, but accompanied with a promise that the states would obey, not because they were obliged by law,

* Rushworth, ii. 949. 953—965. 1024. Burnet's Hamiltons, 149—154. 155. Nalson, i. 245. Balfour, ii. 351—353. Though Charles had resolved to make concessions with the design of revoking them afterwards ("col beneficio del tempo, ed in congiunture piu opportune," Rosetti, 23rd Sept. 1639), he was nevertheless greatly dissatisfied with the conduct of Traquaire. His great objection was to the condemnation of episcopacy, as "unlawful in this kirk of Scotland:" he would have admitted "contrary to the constitution of the kirk of Scotland," but disliked the word "unlawful," through fear that it might be abused by innovators in other countries. (Nalson, i. 255.) It was a mere quibble.

but that they might prove their deference and attachment to their sovereign*.

The king was fully convinced that, though religion might influence the multitude, the depression of the royal authority was the real object of the leaders. To reduce them to obedience, he knew of no other method but force; and, while he revolved in his mind expedients to raise funds for a second expedition, fortune, as he persuaded himself, placed a new resource within his grasp. A Spanish fleet of galleons and transports, amounting to seventy sail, under Oquendo, had been discovered in the Channel by the Dutch squadron, commanded by De Wit. A pursuit commenced: De Wit was joined by Van Tromp; and Oquendo sought an asylum in the Downs. He had lost three ships, his pursuers two: but the latter entered the road with him, and repeated arrivals from Holland augmented their force to the number of 100 sail, besides freships. It was the general opinion that the Spanish fleet could not escape destruction, when Charles made an offer, in consideration of 150,000*l.* in ready money, to take it under his protection, and to convey it to its destination on the coast of Flanders, and thence to some port in Spain. The proposal was cheerfully entertained by the court of Brussels; an order, it is said, had even been issued for the payment of part of the sum, when the States, unwilling to lose their prey, ordered the two admirals to attack the Spaniards. Though Pennington was present with an English fleet, under orders to prevent any aggression on either side, he remained a quiet spectator of the combat. Twenty-three Spanish ships ran on shore: of thirty, which put out to sea, ten only reached the harbour of Dunkirk. The rest were either destroyed or captured. The cardinal infant, governor of the Netherlands, called on the king to revenge this insult on his authority: but Charles, keenly as he felt the disap-

Sept.
17.

Oct.
11.
12.

* Balfour, ii. 351—362. Nelson, i. 265—271.

pointment and disgrace, was content to complain, and gladly accepted the apology which was made by ambassadors specially commissioned for that purpose*.

- The king, after his return, had submitted the affairs of Scotland to the consideration of a committee, consisting of Archbishop Laud, the marquess of Hamilton, and Wentworth, who had been ordered to attend the English court. Laud assures us that he carefully abstained from all language which might add to the royal irritation, or lead to an offensive war; but he was silenced by the eagerness of the lord deputy and the
- Oct. known sentiments of the king. The bishop of London,
24. lord treasurer, the earl of Northumberland, lord admiral, Cottington, Windebank, and Vane, were now added to their number, with instructions to provide funds, and to arrange the preparations for the campaign. They
- Nov. issued writs for ship-money to the amount of 200,000*l*,
14. and advised the king to summon a parliament, as the most legal manner of procuring a more abundant supply. Charles ordered a full council to be called; and, when he found them unanimous in the same advice, put to them this pertinent question: "If this parliament should prove as untoward as some have lately been, will you then assist me in such extraordinary ways as in that extremity should be thought fit?" They replied in the affirmative, and the king reluctantly gave
- Dec. 5. his assent†.

- By the advice of Wentworth it was resolved to apply in the first instance to the liberality of the Irish parliament. Before his departure, to reward his past services,
1640. and to give greater weight to his efforts, he was created
Jan. 12. earl of Strafford, and appointed lord lieutenant of Ireland. There no man dared openly to oppose his pleasure: the two houses voted a grant of four subsidies;

* See Nalson, i. 258. The despatches of Windebank in the Clarendon Papers, ii. 70—80. Warwick's Memoirs, 119. D'Estrades, 29. Whitlock, 31; and Sydney Papers, ii. 612. 620.

† Sydney Papers, ii. 614, 615, 616. 624. Clarendon Papers, ii. 81, 82. Laud's Troubles, 171.

and at his command added a promise of two more, if Mar. they should be found necessary. This vote, it was 17. fondly hoped, would prove a lesson and a precedent to the English members: the king immediately ordered his friends in Scotland to prepare for the approaching conflict*; and Strafford returned to assist at the coun- April
cils of his sovereign, having left orders for the imme- 6.
diate levy of an army of eight thousand men†.

In England the meeting of a parliament, after an interruption of so many years, was hailed with expressions of joy, and the people expected from its labours the redress of those grievances under which they had laboured, and the vindication of those liberties which had been violated. Charles met the two houses without any sanguine expectations of success: but he called upon them 13. to grant him an ample and speedy supply, and, to demonstrate to them the justice of his cause, exhibited an intercepted letter, subscribed by seven of the principal covenanters, and soliciting the aid of the king of France‡.

* See note (H) at the end of the volume.

† Rymer, xx. 369. Strafford Papers, 390—404. It has been asked why the English parliament was summoned for so late a day as the 13th of April, if the king's wants were so urgent? Windebank informed the ambassador at Madrid that it was to give time for the meeting of the Irish parliament before the commencement of that in England. Clarendon Papers, ii. 82. Rosetti in his letter of March 23rd hints, as an additional reason, that the king was raising an army of 15,000 foot and 4000 horse, which might serve "per tener a freno il parlamento."

‡ Loudon, one of the subscribers, had come to London in quality of a commissioner, and was committed to the Tower. In his own justification he alleged that the letter was written in May of the last year, before the king came to Berwick; and that he did not understand French, but supposed that its sole object was to solicit the mediation of the king of France; that it did not please, and therefore was not sent, nor intended to be sent; and that whatever offence he had committed by signing it was covered by the pacification of Berwick and the act of oblivion. (Journals, Ap. 16. Whitelock, 33. May 37. Reprint of 1812.) These allegations were undoubtedly false. The intention of the Scots had been betrayed to the marquess of Hamilton, by whose means both Colvil the envoy, and the letter had been secured (Rosetti, 18th March, N. S.); but another envoy conveyed copies both of the letter and of Colvil's instructions to Paris, where they were safely transmitted through an officer named Erskine to Bellière, and by Bellière to Richelieu. The letter was merely of credence in favour of Colvil: by his instructions he was ordered to state to the king and the cardinal the miserable condition of Scotland, through the encroachments of the royal authority not only on the religion, but chiefly

The result, however, proved that the commons had inherited the sentiments and policy of their predecessors. They took no notice of the prayers or the wants of the sovereign; but gave their whole attention to the national grievances, which by the advice of Pym they divided into three heads, innovations in religion, invasions of private property, and breaches of the privileges of parliament. 1°. Under the first they enumerated all the charges made by the puritans against the archbishop, and complained of the authority recently given to the convocation to make new and amend the old constitutions, an authority necessarily affecting the rights and liberties of the laity. 2°. The second comprised the monopolies granted by the crown, the levy of ship-money during so many years, the enlargement of the royal forests, the charges laid on the counties during the late campaign, and the vexatious prosecutions on account of the refusal to pay unwarrantable taxes, and of resistance to unlawful monopolies. 3°. They reckoned as breaches of privilege the command given by the king to the late speaker to adjourn the house without its consent, and the at-

on the fundamental laws of the kingdom; to complain that the king had violated the late pacification at Berwick by dissolving the parliament in opposition to the will of the states, and contrary to all ancient precedents; to beg the mediation of the French king between them and their sovereign, a mediation which they would have solicited before had they not relied too long on the justice of their own king; and to remind Louis that, if Charles were suffered to tread the liberties of Scotland under foot, he would throw the power of his three kingdoms into the scale in favour of Spain against France. (See Mazure, iii. 406.) Leicester, the ambassador in France, received a copy of the letter with orders to read it to Louis. He demanded audience at Chantilly (April 25). In the ante-chamber Bullion requested to know the object of his visit, which he refused to disclose. The king took the letter, read it more than once; and replied that he knew nothing of it; but that he would never assist rebels against their sovereign, rebels too who made religion a cover for their malice. (Sydney Pap. ii. 647.) Had Louis been instructed to dissemble, or did Richelieu act on such occasions designedly without consulting his sovereign? On that very day he gave instructions to Bellièvre to draw out an answer to the Scots, but in terms so guarded that, whilst it would encourage their hopes, it might not, if intercepted, compromise either the French court or the leaders of the insurgents. (Mazure, iii. 419.) Leicester at the same time demanded the arrest of a William Colvill on suspicion; but an answer was given that he was innocent, and that, if he were not, Louis would not give him up any more than Charles had given up to him the French traitors in England. *Ibid.* 413. Sydney Pap. ii. 646

tempts of the courts of law to punish the members for their behaviour in parliament. On all these subjects it was resolved to solicit the opinion and co-operation of the lords*.

Charles viewed the apathy of the commons at first with impatience, afterwards with alarm. It was in vain that he endeavoured to quicken their proceedings by an earnest and conciliatory speech at Whitehall: and his request to the lords, that they would not listen to the grievances of the commons till the royal wants had been supplied, was productive of a fatal dispute between the two houses. In the first conference the lords expressed their opinion that the supply ought to have the precedence of every other question; in the second the commons complained that such intimation was an infringement of their privileges†. The lords replied, that they claimed no right to originate bills of supply, or to point out their amount, or the manner in which the money was to be raised; but that it was competent for them to communicate to the lower house their advice respecting supplies in general, and to warn them of the prejudice likely to arise to the nation from their refusal or delay. In this stage of the quarrel a message from the king required an immediate answer from the commons whether they would, or would not, proceed to the question of supply. The rest of that day and the whole of the next was spent by them in close and vehement debate: on the morning of Monday Sir Henry Vane, the secretary, delivered a message from the king that, if parliament would grant him twelve subsidies (850,000*l.*.) to be paid in three years, he would consent to the abolition of ship-money for ever. Many were tempted with the bait, though they objected to the amount; and it became a

* Journals, Ap. 17. 20. 22, 23, 24.

† It has been said by Rushworth (1149.) that the two parties made the trial of their strength by dividing on a motion for a second conference, which was rejected by 257 against 148. But this is a mistake. The Journals show that the motion was for a delay in 'the prosecution' of Dr. Beale, master of St. John's college, Cambridge. Journals, iv. May 1.

struggle between the leaders on the opposite sides to secure the votes of the wavering members, Hyde maintained that they ought in the first place to come to an understanding among themselves with respect to the grant of a supply, and then to determine its amount; Hampden, that the only question before the house was this, whether twelve subsidies should be voted or not.

May 5. After a debate of nine hours the house adjourned to the next day: and on that morning the secretary assured the king in council of his conviction that not a penny would be granted to aid him in his war against the Scots. Charles did not hesitate a moment. Proceeding to the upper house, he commanded the attendance of the lower, and, having eulogized the dutiful behaviour of the lords, dissolved the parliament*.

Charles had reason to regret this precipitate measure. Had he waited a day longer, and the commons returned a positive refusal, the provocation would in the opinion of many have justified the dissolution: had they granted a supply, though beneath the sum demanded, it would have checked the presumption of the Scots, and probably have induced them to stand on the defensive. Now they believed that the country was with them. Their commissioners had been in frequent though clandestine communication with the leaders of the opposition in parliament; and their knowledge of the king's poverty, and of the secret aid which they might expect from the discontented in England, whether enemies of episcopacy or advocates of republicanism (we now meet with the latter for the first time†), encouraged them to hasten their military preparations, that they might act on the offensive on this side of the Tweed. The events which followed in the capital strengthened their hopes. The

* I have followed Laud (his Troubles, 78), who was present at the council, and says that two only, Northumberland and Holland, voted against the dissolution. Vane had assured the house that the king would accept nothing short of twelve subsidies; yet Dugdale says that Vane had "a power to stoop to eight." Short View, 61.

† Whitelock, 32.

feelings of the lord mayor and aldermen were disclosed May by their evasive answers to the royal application for a 8.
loan of money, whilst the lower classes indulged openly in expressions of discontent and menaces of vengeance. Strafford, who was supposed to rule in the council, obtained his share of public odium; but the resentment of the populace was chiefly directed against the archbishop of Canterbury. At first their passions were roused by the distribution of handbills, and defamatory ballads; then placards posted on the royal exchange, May and in the most frequented thoroughfares, called on the 9.
apprentices to meet in St. George's fields, and "hunt" William the fox, the breaker of the parliament;" and, though the trained bands kept the peace during the day, five hundred rioters attempted at night to force 11.
their way into the archiepiscopal palace at Lambeth. They demolished the windows, but, at the end of two hours, were repulsed with fire-arms. It was fortunate that, during this period of popular excitement, continual rains impeded the formation of numerous assemblages: yet the passions of the people were not suffered to cool, but papers were affixed to the walls of houses, and even to the gates of the palace, summoning every true Englishman to come forward in defence of his country and religion, to burn down the popish chapels, to root out the noxious weed of episcopacy, and to bring to deserved punishment Laud, Strafford, and Hamilton, the chief authors of the public grievances in England and Scotland. The king passed some days in the deepest anxiety, looking with impatience for the arrival of troops from the army; and beholding, evening after evening from his palace, the illegal proceedings of the mob, and the conflagration of houses on the opposite bank of the river. At last he found himself at the head of six thousand 20.
men. His first care was to remove the queen (she was in the last stage of pregnancy) to Greenwich, where she remained under the protection of a strong guard, with sixteen pieces of artillery: his next to restore tranquil-

lity by the exhibition of an overwhelming force, and the punishment of the guilty. Most, however, of those whom the trained bands had apprehended had been freed from prison by their associates: two only received
 May judgment of death. They were put to the torture before
 23. execution; but either did not know, or had the resolution to conceal, the names of the men who had been the principal instigators of the riots. Both suffered, not as felons, but as traitors; for the judges, following the precedent set them in the reign of Elizabeth, had pronounced the offence to be that of levying war against the king, because the rioters had marched in martial array to the sound of the drum*.

According to ancient custom the convocation ought to have been dissolved with the parliament. But in that case the king would have lost a grant of six subsidies from the clergy, which had not been completed; and the archbishop must have sacrificed his new code of constitutions, adapted, as he contended, to the exigency of the times. To silence the scruples of the members, a
 14. written opinion was obtained from Finch, an obsequious lawyer, lately made lord-keeper, and from some of the judges, that the convocation could legally continue its sittings; and a new commission—the last had evidently
 12. expired†—was issued, empowering it to alter and improve the laws of the church. Amidst the alarms and misgivings of the more timid, and under the protection of a numerous guard, the work rapidly proceeded; and seventeen new canons, approved by the members, re-
 27. ceived the royal assent. It was ordered that every clergyman four times in the year should instruct his parishioners in the divine right of kings, and the damnable sin of resistance to authority; several constitutions followed of the most intolerant tendency against catholics,

* Whitelocke, 33. Laud's Diary, 68. His Troubles, 79. Rush ii. 1173—9. I have added several interesting particulars from Rosetti's Despatches of 25 Maggio, and 1 Guigno, N.S.

† The first had the words "during the parliament;" the second "during our pleasure."

socinians, and separatists; an oath of adhesion to the doctrine and government of the church of England, in opposition to popish tenets and presbyterian discipline, was appointed to be taken by all clergymen and all graduates in the universities; and a declaration was added respecting the lawfulness of the ceremonies used in the established church. These ecclesiastical enactments added to the general excitement. The right of the convocation to sit after the dissolution of parliament, and of the king to authorize it to make laws which might affect the interests of laymen, was called in question: exceptions were taken and petitions presented against the form of oath imposed upon the clergy; and religionists of every description, with the exception of churchmen, complained of several of the canons as highly oppressive and unjust*.

On Laud devolved the task of publishing these canons: and he improved the opportunity to propitiate his enemies among the puritans by an officious display of his antipathy to popery. To the publication he appended a July letter subscribed by himself and the bishop of Rochester, 2. in quality of judges of the high commission court, directing that not only catholic priests and the harbourers of priests, but all persons in possession of papistical or heretical books, all who had been, or were suspected of having been, present at the celebration of mass, all whose children had been baptized or were taught by popish priests, or had been, or were about to be, sent to popish seminaries, should be apprehended and brought before his majesty's commissioners for ecclesiastical matters. Alarmed at the publication of this threatening letter, the catholics applied to the queen, who, taking Windesbank with her, reminded Charles of the present of 14,000*l.* which he had lately received from the catholic body in relief of his urgent wants, and of the additional pecuniary aid which he had solicited from them towards

* Wilk. Con. iv. 538—553. Nelson, i. 351—376. Rush. i. 205—9. Laud's Troubles, 79, 80.

his war with the covenanters. Gratitude or policy prevailed: sending for the archbishop, he reproved him for his officiousness, and ordered him to desist from measures which, in the existing circumstances, might tend to the prejudice of the crown *.

In the mean while the time for the meeting of the June Scottish parliament had arrived. A second prorogation 11. by the king was eluded under the pretence of an informality in the warrant; the members took their seats; elected a president, an officer hitherto unknown; passed all the acts which had been prepared before the prorogation; voted a tax for the support of the war of ten per cent. on the rents of land, and five per cent. on the interest of money; and for the government of the kingdom, till the next meeting of parliament, appointed a committee of estates, of whom one half was to reside permanently in Edinburgh, the other half to follow the motions of the army. It was in vain that Charles warned them of the treasonable tendency of such proceedings, and that he released Loudon, and sent him to Scotland under an engagement to further his interests; the covenanters were not to be diverted from their purpose; and, though for want of the royal assent they could not give to their votes the denomination of laws, they imparted to them equal force by entering into bonds which obliged the subscribers to carry them into execution †.

The king had originally proposed to assail his opponents from three different quarters at the same time, with 20,000 men from England under his own command, with 10,000 from Ireland under the guidance of

* From a long despatch of Rosetti of Luglio, 27. N.S. When the high commission court assembled, it was attacked by the mob (Oct. 22). Several of the members were wounded with stones, and the archbishop escaped with difficulty. Laud's Diary, 59. Rosetti, Nov. 9. N.S.

† Nelson, i. 502—508. Rush, ii. 1210. Balfour, ii. 373—379. These acts, says Balfour, caused "the real greatest change at one blow, that ever hapned to this church and state these 600 years. It overturned "not onlie the antient state government, but fettered monarchie with "chynes, and sett new limits and marca to the same, beyond which it "it was not legally to procede."

the lord lieutenant, and with an equal number from the highlands led by the marquess of Hamilton. But this magnificent plan was defeated by his poverty and the decision of the covenanters. He dared not commence his levies till he had the prospect of funds for their support: on the dissolution of parliament the lords, according to their promise, relieved his wants by a voluntary loan of 200,000*l.*, and immediately writs were issued to each county to supply a certain proportion of men *. But in some instances the commissioners neglected their duty; in others the recruits mutinied, murdered their officers, rifled the churches, and lived at free quarters on the inhabitants. In Scotland, on the contrary, the covenanters acted with unanimity and enthusiasm. They had been careful to keep in full pay the officers whom in the last campaign they had invited from Germany; the men who had been disbanded after the pacification of Berwick cheerfully returned to their colours; and many individuals, on the security of noblemen and merchants, sent their plate to the mint that they might supply money for the weekly pay of the soldiers. When Charles commenced his preparations, his enemies were ready to act. Leslie collected his army at Chouseley June Wood, near Dunse: during three weeks the men were 29. daily trained to martial exercises, and encouraged by sermons and prayers; and on the 20th of August he crossed the Tweed with 23,000 infantry and 3000 cavalry †. As soon as the army was on English ground

* He had recourse to the most extraordinary schemes to raise money. He obtained a large sum by the purchase of pepper on credit, and the immediate sale of it at a low price, and extorted a loan of 40,000*l.* from the foreign merchants by the seizure of their bullion at the mint; but failed in several other attempts. See Rushworth, 1181. 1203. 1216. Sydney Pap. ii. 656, 7, 8. Raumer, iii. 317. 320.

† A letter is said to have been forged by lord Savile, and sent to the Scots, inviting them to enter England in the names of the earls of Bedford, Warwick, and Essex, and the lords Mandeville, Say and Seale, and Brooke, and of Henry Darley. The assertion rested on very questionable authority: but Locke, in his journal, at the date of 28th Dec. 1680, repeats it on the authority of A. E. S. (probably Anthony earl of Shaftesbury), adding that "the letter was sent by the hands of Mr. H. Darley, who remained as agent from the said English lords until he had brought the Scots in

the ministers claimed the honour of forming the vanguard with their bibles in their hands; the soldiers, in token of their pacific intentions towards the inhabitants, followed with arms reversed; and a declaration was published that the Scots had undertaken this expedition at the call of the same divine Providence which had hitherto guided their steps; that they marched not against the people of England, but against the Canterbury faction of papists, atheists, arminians, and prelates; and that God and their conscience bore them testimony that their object was the peace of both kingdoms by punishing the troublers of Israel, the firebrands of hell, the Korahs, the Balaams, the Doegs, the Rabshakahs, the Hamans, the Tobiahs, and Sanballats of the times, after which they would return with satisfaction and pride to their native country*.

The lord Conway had arrived in Northumberland to take the command with the rank of general of the horse. He dared not oppose an inferior and undisciplined force to the advance of the enemy; but received a peremptory order from the earl of Strafford, the commander-in-chief under the king†, to dispute the passage of the Tyne. The works which he hastily erected in Stella-haugh Aug. were demolished by the Scottish artillery; a division 28. led by Leslie's guard passed at Newburn ford, and was speedily driven back into the river by a charge of six troops of horse: but these in their turn were checked by the fire from a battery; the Scots a second time formed on the right bank, and the whole English army

* at last my lord Savile, being reconciled to the court, confessed to the "king the whole matter." Locke's Life, by lord King, i. 323. That they were encouraged to pass the borders by the advice of their English friends, cannot be doubted. "The earls of Essex, Bedford, Holland, the lord Say, Hampden, Pym, and divers other lords and gentlemen of great interest and quality, were deep in with them." Whitelock, 32. See also the Hardwicke Papers, ii. 187. Nalson, i. 508. Sydney Papers, ii. 650. Land's Troubles, 83.

† Rushworth, ii. 1236. Nalson, i. 412.

‡ The earl of Northumberland had been named to the command: but he was, as appears from his letters, ill-affected to the cause, and therefore declined the office under pretence of indisposition. Strafford succeeded him. Warwick, 147.

retired, the horse towards Durham, the infantry, 4000 in number, to Newcastle. Thence they hastened by forced marches to the borders of Yorkshire, and the two northern counties remained in the undisputed possession of the conquerors*.

Here the leaders of the Scots began to hesitate†. The road to the northern metropolis lay open before them, but the cries of enthusiasm were checked by the suggestions of prudence. It was not their interest to awaken the jealousy, to arouse the spirit of the English nation, and they wisely resolved, surrounded as they were with the splendour of victory, to humble themselves in the guise of petitioners at the feet of the sovereign. Charles, Sept. 2. on the other hand, was harassed with feelings of shame and disappointment for the past, and with the most gloomy anticipations of the future. He saw himself, indeed, at the head of 20,000 men, with sixty pieces of cannon: but their attachment was doubtful, their inexperience certain; and, though Strafford affected to speak in public with contempt of the enemy, he assured the king in private that two months must elapse before his army could be in a condition to take the field‡. Under these circumstances, the wish of the covenanters, intimated through the earl of Lanark, the Scottish secretary, was graciously received: the king, that he Sept. 5.

* Compare Conway's narrative (Dalrymple, ii. 83—107), and Vane's letter (Hardwicke Papers, ii. 163), with the account in Guthrie (p. 83), and in Rushworth (ii. 1237), and the official despatch in Baillie, i. 211. Had they not succeeded in passing the river, and obtaining possession of Newcastle, they were in hazard of being compelled to disband through want of provisions (Baillie, i. 207), and the desertion of their followers in whole companies. Balfour, ii. 180. Such as were discovered were brought back, and every tenth man was hanged. Ibid.

† Baillie's remark is characteristic of the man: "We knew not what to do next: yet this is no new thing to us: for many a time from the beginning we have been at a nonplus, but God helped us ever." 204.

‡ Hume represents him as advising the king "to put all to the hazard: to attack the Scots, and bring the affair to a quick decision. To show how easy this would be, he ordered an assault on some quarters of the Scots, and gained an advantage over them." The whole of this is fiction. It is certain, both from lord Conway (Dalrymple, ii. 93.) and the minutes of the council of peers (Hardwicke papers, ii. 211.), that he dissuaded the

might gain time, required to be put in possession of their demands; and on the return of their answer promised to lay it before the great council of English peers, which he had summoned to meet him at York on the 24th of September.

Some centuries had elapsed since England had witnessed such an assembly: but Charles was driven to the most unusual expedients; and, as the commons had always proved the more refractory of the two houses, he preferred a meeting of the lords to a full parliament. He could not, however, avert what he so much apprehended. Twelve peers subscribed their names to a petition, stating the grievances of the nation, and pointing out a parliament as the only remedy*: this was followed by another, signed by 10,000 inhabitants of London; and his counsellors at York, as well as those in the south, repeatedly conjured him to acquiesce. It cost him a long struggle before he would submit: even after he had formed his resolution, he kept it secret till the lords held their first meeting on the appointed day, and then he announced that he had ordered writs to be issued for a new parliament on the 3d of November.

To the great council two questions were submitted. how might the king be enabled to support his army during the next three months? in what manner was he to proceed with the covenanters who had invaded his English dominions? 1°. They sent a deputation of six lords to London, who, on the security of their bonds, raised a loan of 200,000*l*. 2°. They named sixteen peers to proceed to Rippon, and to open a negotiation

king from fighting. The assault to which the historian alludes was made by the Scots under sir A. Douglas, who, without orders, plundered the house of Mr. Pudsey, on the right bank of the Tees, and was taken prisoner by sir John Digby, with thirty-six of his men, having lost twenty-three in the action. See Baillie, i. 209, and secretary Vane's letter in the Hardwicke papers, ii. 183.

* See it in the Lords' Journals, iv. 188, subscribed by Rutland, Bedford, Hartford, Essex, Exeter, Warwick, Hollinbrooke, Mulgrave, Saye, Maudville, Brooke, and Howard.

with eight commissioners appointed by the covenanters *: but at the very outset a demand was made which startled and perplexed the king and his counsellors. When the Scots first entered England they had displayed the most edifying forbearance. Then the saints deemed it unlawful to plunder any but the idolatrous papists †. Their scruples, however, were speedily silenced. The retreat of the royalists placed the counties of Northumberland and Durham at their mercy; and from that moment they had exacted a weekly contribution of 5600*l.* from the inhabitants; had confiscated all the property of the catholics, with the tithes and rents of the clergy; and, had taken at discretion coals and forage for their own consumption. But these resources began to fail; and under the pretence that the negociation would prevent them from seeking more abundant quarters, they boldly demanded a monthly subsidy of 40,000*l.*

It was plain to the commissioners that the king must ultimately yield; their great object was to reduce the amount, and to modify the manner of payment. By industry and perseverance they overcame every difficulty, and concluded separate bargains, one with the gentlemen of the north, who, on the faith of a solemn promise that they should be reimbursed out of the first supply granted by parliament, consented to raise the weekly sum of 5600*l.*, by county-rates on the inhabitants of Northumberland, Cumberland, Westmoreland, and Durham; and another with the Scots, who engaged, as long as that subsidy were paid, to abstain from all acts of hostility, and from every species of compulsory demand ‡. The treaty was immediately transferred to London; the

* The English commissioners were the earls of Bedford, Hertford, Essex, Salisbury, Warwick, Bristol, Holland, Berkshire, viscount Mandeville, the lords Wharton, Paget, Brooke, Pawlet, Howard, Savile, and Dunsmore: the Scottish, Dunfermline, London, sir Patrick Hepburne, sir William Douglas, Smith, Wedderburne, Henderson, and Johnson.

† Hardwicke papers, ii. 158.

‡ For these transactions consult the letters and minutes in the Hardwicke collection, ii. 168—298. the papers in Rushworth, 1254—1310, and Nelson, i. 447—465.

king and the lords hastened thither that they might arrive in time for the opening of parliament, and the Scottish commissioners followed at their leisure, bringing with them a deputation of the most learned and zealous of their ministers *.

† Ballie was one of the number. In an entertaining letter to his wife he gives an account of his journey. "None in our company held out better than I and my man, and our little noble nags. From Kilwinning to London I did not so much as tumble. This is the fruit of your prayers. We were by the way at great expenses: their inns are like palaces; no marvel they extortion their guests." 216.

NOTES

NOTE (A), Page 11.

EXTRACTS from the voluntary declaration of Anthony Copley, dated 14th July, 1603, taken before the earl of Shrewsbury, the lords Montague, Howard, Cecil, and others.

"On these grounds of discontentment, Mr. Watson, with a choice number of his brethren and some special lay catholics, inasmuch as the king was not yet crowned, did consult upon their case, and resolve upon an oath, to be drawn and tendered to catholics concerning some action to be enterprised for the good of the cause, and therein to be contained a clause of secrecy for two reasons, the one for caution against discovery thereof to the state, the other against the jesuit's partie, which we were certainly informed were likewise distasted with the king, and had their course for the common cause in design, and that in caution against us. And for the drawing in of associates and the timorous, it was to be intimated by the tender of the oath that the business was no more than to present a supplication to his majesty of eighty or a hundred of the chief catholics at a hunting or other convenient moment. The tenor of the supplication was, That they were a chosen band of catholics, who had in the late reign assisted his majesty's title against all pretenders, and against the Spanish faction, putting him in mind of Watson's book,—they beseeched toleration, &c."

"The examinant deposed that Watson tendered the oath to him, which he took at first under a false impression, when Watson gave him a glance of the attempts to be made if their suit failed, and at parting requested him to come to town with as many able men as he could."

"They had several meetings. Watson on one occasion talked of dispelling privy counsellors, cutting off heads,

getting the broad seal, and seizing the Tower, which Copley marvelled at: conversations without head or foot, the grounds of which he then knew not.

"A day or two after, Watson told him the jesuits had crossed his purpose in Lancashire and Wales, whence he expected large supplies of men.

"A meeting took place between him, Watson, and sir Griffin Markham, when Copley's scruples were satisfied that it was for the good of the catholic cause they should enter into the enterprise. It was proposed to seize the king's person at Greenwich, and to possess themselves of the Tower. It was intended to give a free use of religion to all, and that catholics should hold offices equally with protestants. Watson proposed to depose the king, which Copley opposed, because it would impair the dignity of the crown by dismembering Scotland from England, and would draw on the Dane, together with Scotland and Brunswick: at this meeting of sir Griffin Markham, which occurred at a supper given by Watson, some ludicrous remarks were made on king James—his vulgar manner of drinking is particularly spoken of.

"Watson at last, finding things did not succeed, told them they might all go to their homes, affirming that he despaired of the action: he afterwards himself departed."

NOTE (B), Page 42. 45.

LETTER FROM GARNET TO HIS SUPERIOR IN ROME.

"Magnifice Domine,

"Accepimus dominationis vestræ literas, quas ea quæ par est reverentia erga suam sanctitatem et vestram paternitatem amplectimur. Et quidem pro mea parte quater hactenus tumultum impediui. Nec dubium est quin publicos omnes armorum apparatus prohibere possimus, cum certum sit multos catholicos, absque nostro consensu, nihil hujusmodi nisi urgente necessitate attentare velle.

"Duo tamen sunt quæ nos valde sollicitos tenent. Primum ne alii fortassis in una aliqua provincia ad arma conuolent, unde alios ipsa necessitas ad similia studia compellat.

"Sunt enim non pauci, qui nudo suæ sanctitatis jussu adhiberi non possunt. Ausi sunt enim, vivo papa Clemente, interrogare num posset papa illos prohibere quominus vitam suam defendant. Dicunt insuper suorum secretorum presbyterum nullum fore conscium: nominatim vero de nobis conqueruntur etiam amici nonnulli, nos illorum molitionibus obicem ponere.

"Atque ut hos aliquo modo leniremus, et saltem tempus lucraremur, ut dilatione aliqua adhiberi possint congrua remedia, hortati sumus, ut communi consilio aliquem ad sanctissimum mitterent: quod factum est, eumque ad illustrissimum Nuntium in Flandriam direxi, ut ab ipso suæ sanctitati commendetur, scriptis etiam literis quibus eorum sententiam exposui, et rationes pro utraque parte. Hæ literæ fuse scriptæ et plenissimæ fuere: tutissimè enim transferentur: atque hoc de primo periculo. Alterum est aliquanto deterius, quia periculum est ne privatim aliqua proditio vel vis Regi offeratur, et hoc pacto omnes catholici ad arma compellantur.

"Quare meo quidem judicio duo necessaria sunt; primum ut sua sanctitas præscribat quid quoque in casu agendum sit; deinde, ut sub censuris omnem armorum vim catholicis prohibeat, idque Brevis publicæ edito, cujus occasio obtendi potest nuper excitatus in Wallia tumultus, qui demum in nihilum recidit. Restat ut (cum in peius omnia quotidie prolabantur) oremus suam sanctitatem his tantis periculis ut brevi necessarium aliquod remedium adhibeat: cujus sicut et reverendæ paternitatis vestræ benedictionem imploramus.

"Magnificæ Dominationis vestræ servus,

"HENRICUS GARNET.

"Londini, 24 Julii, 1605."

NOTE (C), Page 49.

LETTER FROM GARNET TO PERSONS.

"My verie lovinge sir, we are to goe within fewe dayes neerer London, yet are we unprovided of a house, nor can find any convenient for any longe tyme. But we must be fayne to borrowe some private house, and live more privately untill this storme be overblowen; for

th.
he
pa:

“
par
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“ De
Primu
convole
compel

that the kinge never promised nor meant to give
 ration.
 October 4, 1605."

NOTE (D), Page 50. 65.

this note I shall mention the chief presumptions
 against Garnet, Greenway, and Gerard, and their an-
 swers, with those of their advocates.

With respect to Garnet, it is admitted on all hands
 that no overt act of treason was ever proved against him.

Garnet himself admitted that he had incurred the
 guilt of misprision of treason, because he had con-
 cealed the general knowledge which he derived from one
 of the conspirators, that a treasonable plot was in agita-

It is moreover admitted that he afterwards became
 acquainted with *the* particular plot, and also concealed
 knowledge: but that concealment he justified by
 saying that the knowledge came to him under the seal
 of sacramental confession.

It now became a question whether this was really
 the case. To discover the truth he was made to believe
 that Greenway, whom he had named as his informant,
 had been taken, and had asserted in his examination
 when he mentioned the plot, it was not in confession.
 Garnet now appeared to waver; and the discre-
 tion in his several answers was taken for the tergiver-
 sance of one who, being caught in a falsehood, seeks by
 this to escape conviction. Yet all his answers
 were in reality to the same thing. For it is univer-
 sally understood among catholics that, if a confessor
 discloses another theologian respecting any case made
 to him in confession, that person, in whatever
 information may be conveyed, is equally bound
 to keep it secret with the confessor himself. Garnet's answers
 were founded on this doctrine. The discrepancy arises
 from his solicitude not to injure Greenway by contra-
 dicting what he had been falsely told was the confession
 of Greenway.

It is now proposed then the statement of Garnet to be cor-
 rected of importance to ascertain at what time the

communication was made to him. If in the month of July, what excuse can be alleged for the indolent security in which he seems to have passed the months of August, September, and October? He had indeed no authority over any but the members of his order: he could not control the actions of Catesby and the other conspirators; yet so great was the influence which he possessed among them, and so many opportunities must have offered themselves of exercising that influence, that he undoubtedly might, if he had been so inclined, have discovered, during those three months, some means of preventing the attempt without danger of betraying the secret. But is it then certain that he was acquainted with the plot in July? It has, indeed, been said that "Garnet invariably asserted, both in the examinations " which are yet preserved, and also in his defence, and " in his speech from the scaffold, that he first heard of " the plot from Greenway on the 26th of July" (Jardine, 363): and certainly, if this statement is correct, his silence and apathy during the three following months will furnish a strong presumption against him. But I have been unable to discover any proof of it either in Garnet's defence at his trial, or in his speech at his execution. It depends solely on the record of his confession of March 12, in which he is made to assign " St. James's tide" as the date of the communication from Greenway; a confession, however, into the record of which I am convinced, for several reasons, that a very important error has crept. For 1°. as late as October 4, he wrote to Persons the letter in note C, in answer to one inquiring what stir was in agitation among catholics. Now it is plain, from the tenor of that letter, that Garnet was then (October 4) ignorant of any particulars of the plot, unless we suppose that he sought by equivocation to impose on his superiors in Rome,—a supposition which no one acquainted with the constitution of the order will be disposed to admit. 2°. According both to Greenway in his narrative, and to Eudæman Joannes, who derived his information directly from Greenway, it was after the return of Garnet from St. Winifred's Well, and consequently in October, that Greenway made the communication to him. 3°. De Thou, who wrote from

documents furnished by the prosecutors, states that Garnet, when he was examined respecting his interlocutions with Oldcorne, and consequently after March 2, confessed that he learned the particulars from Greenway *five* months before, having previously to that received a general hint of the matter from Catesby: *fateri quidem se ante v. menses a Grenwello de re omni edoctum, antea in genere a Catesbeio monitum* (vi. 344). This testimony therefore places the communication also in October, the fifth month before March. These considerations induce me to believe that "St. James's tide," the date assigned to the communication by Greenway in the confession of March 12, was in reality the date of that by Catesby, which gave occasion to Garnet's letter of July 24, in note B; and that the other communication was made to him at Harrowden shortly after October 20; for on that day he went there on a visit to lord Vaux in the company of the two aunts of that nobleman, and there Catesby and Greenway met him, as we are informed by Greenway himself.

6°. But how did Garnet act, after he had become acquainted with the particulars of the plot? He goes on the last day of the month with Sir Everard Digby to Coughton, where that conspirator had invited several Catholic gentlemen to meet him under pretence of hunting at Dunchurch on the 5th of November. What could take him there at such a time, with the knowledge which he possessed? It certainly bears a suspicious appearance; and Garnet himself was aware of it. In his conversation with Oldcorne (Jardine, 220), he expresses his anxiety on that head; and in a letter to Anne Vaux he writes, "the time of my coming to Coughton is a great presumption. But all catholics know that it was a necessity." (Id. 392.) What, then, was that necessity? Coughton was his appointed station for the festival of All Saints: he was expected there by the different Catholic families in those parts: all who used his ministry would be there to receive the sacrament from him. He could not disappoint them without exciting among them strange surmises as to the cause of his absence.

7°. At Coughton, we are told, that he prayed to be

"rid of heresy," and called upon his hearers to pray for some good success towards the catholic cause (Oldcorne, examin. 6 March. Handy, exam. 27 Nov.): the spies, who overheard his conversation with Oldcorne, understood him also to state that he had made a form of prayer and a hymn for the success of that business (Interlocution of 23rd and 25th Feb. Jardine, 217. 221). In this there is much mistake and misrepresentation, arising perhaps from the difficulty of hearing; for the form of prayer was one in common use, and the hymn had been a portion of the service of the day for centuries. It is, however, plain that Garnet had acted very imprudently at Coughton, probably had suffered expressions to escape him, which, though sufficiently obscure then, might now prove his acquaintance with the plot; for he writes to Anne Vaux, on March 4th, "There is some talk here of a discourse made by me or Hall: I fear it is that which I made at Coughton." Antil. 144.

8°. There was something extraordinary in the simplicity or credulity of Garnet, whilst he remained in the Tower. Aware that he had been duped and betrayed by the men who offered to him their services, he suffered himself to be duped and betrayed to the very end. He still continued to write letters; and of all these there was not perhaps one which did not come into the hands of the lieutenant: many served as proofs against him; and one acquired considerable celebrity after his death, from the use made of it by the writers whom the king employed to persuade foreign nations of Garnet's guilt. It was written on Palm Sunday (Ap. 13) to his brethren of the society, being an apology for his several confessions and disclosures, which, as he had been falsely informed, had scandalized the whole body of Catholics. Dr. Andrews, at that time bishop of Chichester, made from it a selection of passages, which he published in his *Tortura Torti*, printed in London in 1609, and in Hanau in 1610. The same were copied from the work of Andrews by Casaubon in his *Epistola ad Frontonem Ducæum*, printed in London in 1611, and in Frankfort in 1612. Lastly came Dr. Robert Abbot, brother to the archbishop, who added to the former selection, and published the whole in a new Latin version in 1613. In

former editions of this history. judging from the specimen exhibited by Dr. Andrews I had no hesitation in pronouncing the letter a forgery : the remarks of Mr. Jardine (p. 328) have induced me to compare the two versions ; and the comparison has led me to the conclusion, not, indeed, that there was no original, but that so many falsifications inconsistent with facts were introduced into the translation by Dr. Andrews, that I was justified in supposing that there was none.

That the reader may judge of the arts employed to confirm the conviction of the jesuit, he may compare the parallel passages out of this letter in the following columns, the first taken from the more correct version of Dr. Abbot, the other from the false version of Dr. Andrews, published four years earlier :—

Causa, qua adductus sum agnoscere conscientiam meam, fuit quod me accusaverant omnes qui antecesserant, Catesbeio nomen meum obtendente, *quo aliis persuaderet, qui me multo magis reum existimarunt quam revera fueram.* p. 146.

Porro interceptæ sunt, nescio qua perfidia, literæ meæ ad Duam Annam aurantiarum succo scriptæ, per quas adversum me *aliquid anse arripuerunt, quanquam sine causa.* Ibid.

Atque hic coactus sum quoque nominare Grenwellum ; quod nunquam fecissem, nisi mihi pro certo dictum fuisset ab amico eum in partes ultramarinæ, evasisse Quod

Nam quid facerem ? 1°. Accusabant me *reliqui* omnes conjurati. 2°. Catesbeus usus semper apud eos fuerat auctoritate mea, *qua adduxit pene omnes ut bene sentirent de negotio,* quo factum est ut ad unum omnes me haberent *pro reo.* p. 426.

Literæ etiam a me aurantiarum succo scriptæ ad D. Annam, nescio quomodo, in illorum manus pervenerunt, *quibus scientiam meam non obscure confessus eram.* Ibid.

De accusato Grenwello ita respondit, "sibi quidem, *si fuga sibi consulisset Grenwellus* (putabat enim tum captum et in custodia ;) aliam aliquam rationem ineundam esse, atque fabu-

nisi ita sensissem, colligere me oportuisset, sensus meos ad aliam formalem fabulam excogitandam. Ibid.

Re ita, ut factum est, habente, necessarium erat. Primo namque non poteram a conjuratorum aliquo mutuam dicere notitiam meam: hoc enim contrarium erat religiosissimis protestationibus meis, quas scripto feceram catholicis omnibus, et verbo consiliariis regiis. Ibid.

lam aliam formalem sibi fingendam esse. Ibid.

Cum enim rem dire me jam scirent omnes, aliunde petenda mihi fuit origo cognitionis meae. A conspiratoribus laicis non poteram; quod saepe illis dicto, scripto, sancte protestatus essem me illos non proditurum unquam. p. 427.

It cannot escape the notice of the reader that the many erroneous renderings in the translation of Dr Andrews are wilful, all being made for the purpose of aggravating the guilt of Garnet. Dr. Abbot's translation has the appearance of being much more correct though he also seems not to have felt any objection to the employment of a little fraud, when its object was to blacken the character of a jesuit. This is manifest from his attempt to persuade his readers that Anne Vaux was the mistress of Garnet. With this view he copies certain apparently endearing expressions from her letters, and makes her sign them with the initials A. G.; as if she had taken Garnet's name, and looked upon herself as his wife (Antil. 135); whereas her words are only expressive of her grief to be deprived of one who had been for many years her spiritual director; and her real signature (for these letters are still in the State Paper office) is not A. G., but, as Mr. Jardine has remarked (p. 200.), A. V. or Anne Vaux.

There is in the same letter written on Palm Sunday a passage which appears to me to explain the whole of Garnet's conduct. "Always," he says, "I condemned the plot *absolutely in my own mind*: and my opinion generally was, that all stirrs against the king were unlawful: because the authority of the pope, who had for

bidden all such attempts, was wanting. And of this my opinion I have many witnesses, with whom I have reasoned on the subject: though I did not dare absolutely to *condemn the opinions of others*, or to take away the liberty which many theologians allow to catholics, though against my opinion." (Antil. 146.) The fact was, that Garnet followed the doctrine of probabilism. He did not conceal his own sentiments, but he refused to condemn those who thought themselves justified in adopting the opposite opinion.

9°. In 1675 certain letters were discovered written from the Tower by Digby to his wife, but intended for Gerard. In them he expresses his surprise and sorrow that the design should be condemned by the catholics and missionaries in general, and declares that he would never have engaged in it, had he not been persuaded that it was lawful. "It was my certain belief that those which were best able to judge of the lawfulness of it had been acquainted with it, and given way unto it. More reasons I had to persuade to this belief than I dare utter, which I will never to the suspicion of any, though I should be to the rack for it." Gunpowder Treason, edition of 1679, p. 242. In reference to the same subject he proceeds in a subsequent letter:—"I do answer your speech with Mr. Brown thus. Before that I knew anything of this plot, I did ask Mr. Farmer (Garnet) what the meaning of the pope's brief was."

This brief was sent to Garnet on the 19th of July, 1603, in consequence of Watson's treason, which I mention because a very erroneous meaning has been given to this passage in Miss Aikin's Court of James I.) "He told me they were not, meaning priests, to undertake to procure any stirrs: but yet they would not hinder any (neither was it the pope's mind they should) that should be undertaken for catholick good. I did never utter thus much, nor would not, but to you: and this answer, with Mr. Catesbye's proceedings with him and me, gave me absolute belief that the matter in general was approved, though every particular was not known." p. 250, 251. Hence it appears to have been the persuasion of Digby that Garnet approved of the plot. But had he any assurance of it? It is plain that he had not. "As I did

not know directly that it was approved by such, so did I hold it in my conscience the best not to know any more, if I might." p. 242. This concession appears to take away the force of his previous testimony.

With respect to Greenway, it is certain that he knew of the secret in confession. But of this the ministers were unacquainted at the time of the proclamation. The grounds of the charge against him were the following: 1°. According to the attorney-general at the trial, Bates had acknowledged that he mentioned the matter to Greenway, and received from him instructions to do whatever his master should order. On the other side Greenway, in a paper which lies before me, declares on his salvation that Bates never spoke one word to him on the subject, either in or out of confession: and Bates himself, in a letter written before he suffered, asserts that he merely said it was his suspicion that Greenway might have known something of the plot. 2°. On the sixth of November Greenway rode to the conspirators at Huddington, and administered to them the sacrament. He replies that, having learned, from a letter written by sir Everard to lady Digby, the danger in which they were, he deemed it a duty to offer to them the aids of religion, before they suffered that death which threatened them: that for this purpose he rode to Huddington, and then, after a few hours, left them for the house of Mr. Abington, at Henlip. Greenway escaped to Flanders.

The charge against Gerard rested at first on the very slender foundation I already mentioned in chapter 1st, p. 36, note. The moment it was made, he loudly proclaimed his innocence, and in several letters demanded justice from the lords in the council. Six-and-twenty years later the charge was revived against him by Anthony Smith, a secular clergyman, who made affidavit before Dr. Smith, bishop of Chalcedon and vicar apostolic in England, that in his hearing Gerard had said, in the novitiate at Liege, that he worked in the mine with the lay conspirators till his clothes were as wet with perspiration as if they had been dipped in water; and that the general condemnation of the plot was chiefly owing to its bad success, as had often happened to the

attempts of unfortunate generals in war. MS. copy dated April 17, 1631. On the contrary, Gerard, being called upon by his superiors, again proclaimed his innocence, asserted it on oath, and took the sacrament upon it: and it may be thought some, though not very conclusive, proof in his favour, that Faukes, in his examination on the 8th of November, says, that "none but gentlemen worked in the mine." (Original in the State Paper Office.) For my own part, after having read what he wrote in his own vindication, I cannot doubt his innocence, and suspect that Smith unintentionally attributed to him what he had heard him say of some other person.

I will only add that implicit faith is not to be given even to the documents published by the government. Winter is said to have confessed that Faukes went to Flanders with the intention of communicating the plot to Owen. (Gunpowder Treason, p. 56.) Faukes is also made to assert the same. "*I retired into the low countries by advice and direction of the rest, as well to acquaint Owen with the particulars of the plot, as also least by my longer stay might have grown suspicious.*" Ibid., 42. The original of Winter's confession is lost; that of Faukes is still in the State Paper Office, but I understand that it does not contain the passage which is printed in italics. Two other instances are noticed by Mr. Jardine, p. 6.

NOTE (E), Page 79.

This controversy brought to light a fact which James was most anxious to conceal.

The reader is aware of the two papal breves, which had been issued by Clement VIII. in contemplation of the approaching death of Elizabeth. I cannot discover what any copies of these breves exist; but from a copy of the letter which accompanied them, when they were sent to the nuncio at Brussels, may be formed a pretty correct notion of their purport. "*Ad Anglos catholicos,*" says the pontiff, "*scripsimus, eosque efficaciter hortati sumus ut, si unquam alias, nunc maxime concordet et unanimes sint, ac quibusvis terrenis affectibus et perturbationibus semotis, ad solam Dei gloriam, veram*

regni utilitatem, et fidei catholicæ conversationem aspi-
ciant: neque se ad hæreticorum consilia adjungi, eorumve
dolis et astu se de sua constantia dimoveri patiantur.
Scriptimus etiam ad Archipræsbyterum Angliæ ejusque
assistentes, et cæterum clerum, ut tam necessariam
catholicorum, præsertim nobilium, unionem summo
studio conservent, eosque omni officii genere permoveant,
ne cui suffragentur in hoc gravissimo negotio, nisi vere
catholico, ut quod summopere in Domino cupimus,
sancta et salutaris novi regis creatio, Dei adjutrice gratia,
sequatur." MS. letter.

Of the breves James had complained as prejudicial to
his right to the crown; and Bellarmine in his reply, un-
der the name of Matthæus Tortus, took occasion to
publish a letter written by the king himself to Clement
VIII. in 1599, in which he solicited the dignity of car-
dinal for a Scottish catholic, the bishop of Vaizon, and
subscribed himself, Beatitudinis vestræ obsequentissi-
mus filius. J. R. (See it in Rushworth, i. 166.) This
was a stroke for which James was not prepared: at
first he sank under it; he saw himself convicted of
duplicity or perfidy in the eyes of all Europe. As his
only resource he determined to deny the fact. Bal-
merino, his secretary at the time, was summoned before
the council; and after several examinations, at the last
of which the king himself attended unseen, yet within
hearing, he consented to acknowledge that he had art-
fully procured the royal signature to the letter, but at
the same time had kept his sovereign in ignorance both
of its contents and of its address.

If we inquire more nearly into the artifice which he
was supposed to have employed for this purpose, we
shall pronounce the story totally unworthy of credit.
Balmerino was made to confess that, finding he could
not prevail on the king to open a correspondence with
the pope, he procured a letter to be composed by Edward
Drummond: this, at a moment when James was about
to mount his horse on a hunting-party, was laid in the
midst of several other despatches before him; and the
king in the hurry signed it together with the others in
total ignorance of its object.

This is sufficiently improbable, but let us ask what were the other despatches? They were letters to the dukes of Florence and Savoy, and to the cardinals Aldobrandini, Bellarmine, and Cajetan at Rome. So much it was necessary to admit, otherwise Bellarmine would have published them. Now what could induce the king to write to these three cardinals? The answer is, that he never meant to do so; that the letters were placed before him without any address, and signed by him under the notion that they would be forwarded to the cardinals of the house of Guise, his maternal relations; that they were thus sent in one packet to the archbishop of Glasgow, his ambassador at the court of France, and directed by that prelate, without any authority from the king, to the three cardinals Aldobrandini, Bellarmine, and Cajetan!—See Balmerino's confession, or rather the declaration which was composed for him to sign, in *Tortura Torti*, p. 288.

No man can read this story without pronouncing it at once a collection of falsehoods. Indeed it was so understood at the time. "He confessed simulatly, as was thought by thesse that best wnderstood the courte, and hou matters then went, to liberat the king of suche grossnes." Balfour, ii. 29.

In consequence of his confession, Balmerino's name was erased from the list of privy councillors in England, and he was sent to be tried in Scotland, where he received judgment of death. "Bot by the king's secrett commands to the earle of Dumbair, he was againe remitted to the custodey of the lord Scone, as a closse prissoner, to be kept at Falkland; and from thence was enlarged and confyned to his auen housses in Angus shyre, and Balmerinoche in Fyffe shyre, quher he deyed of a feuer and waicknes in the stomache, some few mounthes after the death of his arch-enimey and competitor, Ceicill, earl of Salisburrey (after quhome), if aney tyme he had surwiued (as was talked by them that best knew the king's mynd), he had beine in grater crydjt with his master than euer." Balfour, ii. 30.

NOTE (F), Page 200.

The chief object of Bennet's mission to Rome was to obtain a bishop to preside over the English catholic church. The secular clergy had repeatedly remonstrated against the government by an archpriest: but, though their case was supported by the favourable testimony of Harberini, the nuncio at Paris, and of Bentivoglio, the nuncio at Brussels, they did not succeed before the death of Harrison, the second archpriest after Blackwall. Then Bennet, accompanied by Farrar, another clergyman, pressed the matter on the attention of Gregory XV., the reigning pope. Their principal advocate was cardinal Bandini, who argued that every church, by the institution of Christ, ought to be placed under the superintendence of bishops; that, had episcopal government been established among the English catholics, the disputes of the missionaries, the unadvised attempts against the state, and even the gunpowder plot, would in all probability have been prevented; and that, unless the request of the clergy were granted, the French prelates, and particularly the archbishop of Rouen, who had already made some attempts, would take upon themselves the chief care of the English church. He was opposed by cardinal Mellini, who contended that episcopal government was not essential to the existence of a provincial church; that to introduce it into England would be to expose the catholics to additional severities; and that the connexion already existing between the French and English clergy made it probable that the latter, if placed under a bishop, would make common cause, and demand the same privileges with the former. The petition of Bennet was strongly supported by the French and Spanish ambassadors; and the pope had expressed a disposition to gratify the clergy, when the adversaries of the measure, as a last resource, appealed to the fears and jealousies of James. Toby Matthews, pretending an unwillingness that any arrangement should be adopted which might prove disagreeable to the king, revealed the whole proceeding to the council. James was not deceived as to his motive (see a letter in Cabala, 292, and others in Bacon's works, vol. vi.); but he communi-

cated to the pontiff, through the Spanish ambassador, his resolution never to admit a catholic bishop into his dominions. Gregory hesitated; instead of four bishops he appointed only one; and, that the new prelate might be less objectionable, he selected for the office Dr. Bishop, who had formerly signed the celebrated protestation of allegiance in the last year of Elizabeth. Still, as it was doubtful how far the king might yield, or the bishop himself might form connexions with the French prelates, he made him revocable at pleasure. He was consecrated in France, and received power to exercise episcopal authority over the catholics of England and Scotland. But the Scots immediately remonstrated: they never had been, they never would be, subject to an English prelate: and Gregory, to satisfy this national jealousy, ordered Bishop to abstain, till further orders, from pretending to any jurisdiction within the kingdom of Scotland. MSS. penes me.

NOTE (G), Page 308.

Rushworth and Prynne complain bitterly of the indulgence granted to recusants in their compositions. The fact was, that the fine to the proprietor in the first instance was moderate in comparison with the penalty due by the law. But every estate was burthened with a great number of annuities to different branches of the family, and of these, as they fell in, one-third was secured to the crown. I will give, for an example, the composition of Mr. Tankard, of Boroughbridge, and have selected it, because it was one of those selected by Rushworth as a subject of complaint.

Com.	{	Sessio Commiss. apud Maner.
Ebor.		Dni Regis, &c. 16 ^o die Octob.
		An. 1630.

" Thomas Tankard of Borowbriggs in the county of York Esqr. hath this day compounded with his majesties commissioners for himself and Frances his wife, for all his manors, lands, tenements, and hereditaments with their appurtenances in the county of York, for the sum of sixty-six pounds, thirteen shillings four pence in pre-

cent. And after the determination of an annual rent of 100*l.* payable to Roger Beckwith of Aldborough, the sum of 33*l.* 6*s.* 8*d.* more. And after the death of Merial Tankard of Copgrave widow, the sum of 33*l.* 6*s.* 8*d.* more. And after the determination of an annuity to Mary Tankard his sister, the sum of 16*l.* 13*s.* 4*d.* more. And after the determination of an annuity of 80*l.* payable to Catherine Tankard, sister of him the said Thomas Tankard, till the sum of six hundred pounds be paid, 26*l.* 13*s.* 4*d.* more. And after the determination of an annuity of 10*l.* payable to Christopher Lancaster of Crabtrees in the county of Westmoreland during his life, the sum of 3*l.* 6*s.* 8*d.* more. And after the determination of an annuity of 10*l.* payable unto Hugh Tankard during his life, the sum of 3*l.* 6*s.* 8*d.* more. And after the determination of an annuity of 10*l.* payable to Peter North after the expiration of 15 years beginning 3*l.* 6*s.* 8*d.* more. And after the determination of an annuity payable to Ralph Ellis during his life, the sum of 5*l.* 6*s.* 8*d.* more. All which several sums as they shall fall due, are to be paid at Martinmass and Whitsontide by equal portions. And to give bond for the first half year's rent accordingly, as also for the payment of one whole year's rent, which was due unto his majesty at Martinmass An. 1629, and Whitsontide 1630. All his arrearages are included in this composition."

This estate was forfeited under the Commonwealth, and Rushworth, who thought 200*l.* a-year too small a fine to be paid by the catholic proprietor on account of his religion, was not ashamed to value the fee simple at no more than 600*l.* He purchased it for that sum. MS. copies of the compositions penes me.

NORR (H), Page 371.

This is plain from the following letter of the king to the earl of Nithisdale, preserved in the charter-room at Teregles:—

"Nithisdail, — It is new time for me to bidd you looke to yourselfe: for longer then the 13 of the next month" (the day on which the English parliament was to meet)
 "I will not warrant you but that ye will hear of a breache

betwixt me and my covenanting rebelles. Of this I have written to the marquiss Douglas, but under condition of secrecy, the whlykewais I requyre of you. Onlie I permit you with the same caution to advertise Winton: For the rest referring you to this bearer (who knows nothing of the substance of this letter), I rest your assured friend,

" CHARLES R.

" Whytehall the 27 March

" 1640.

" Assistance by the grace of God ye shall have, and as soon as I may, but when, as yet I cannot certainly tell you."

But assistance the unfortunate earl had not.



